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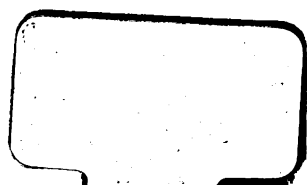
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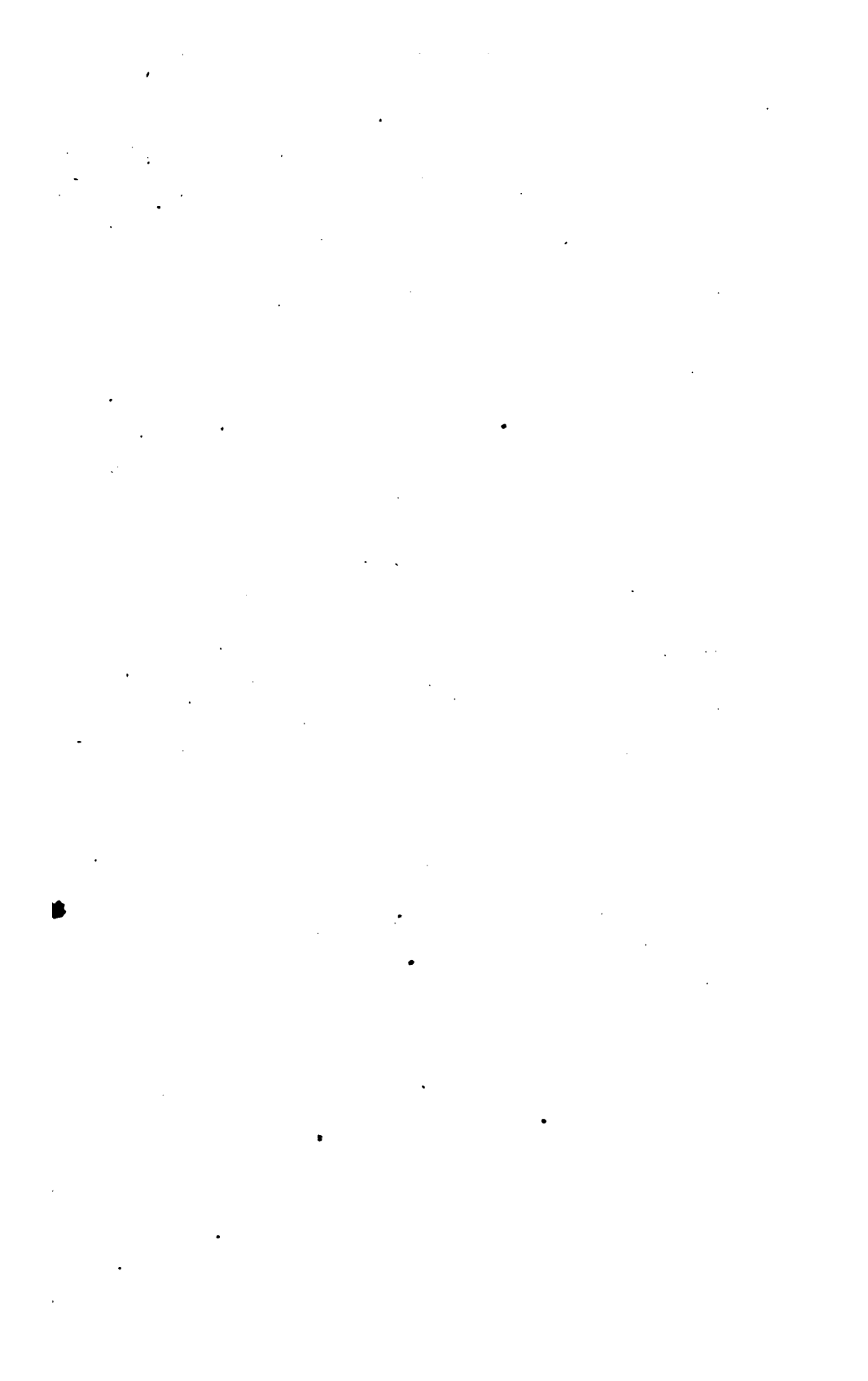
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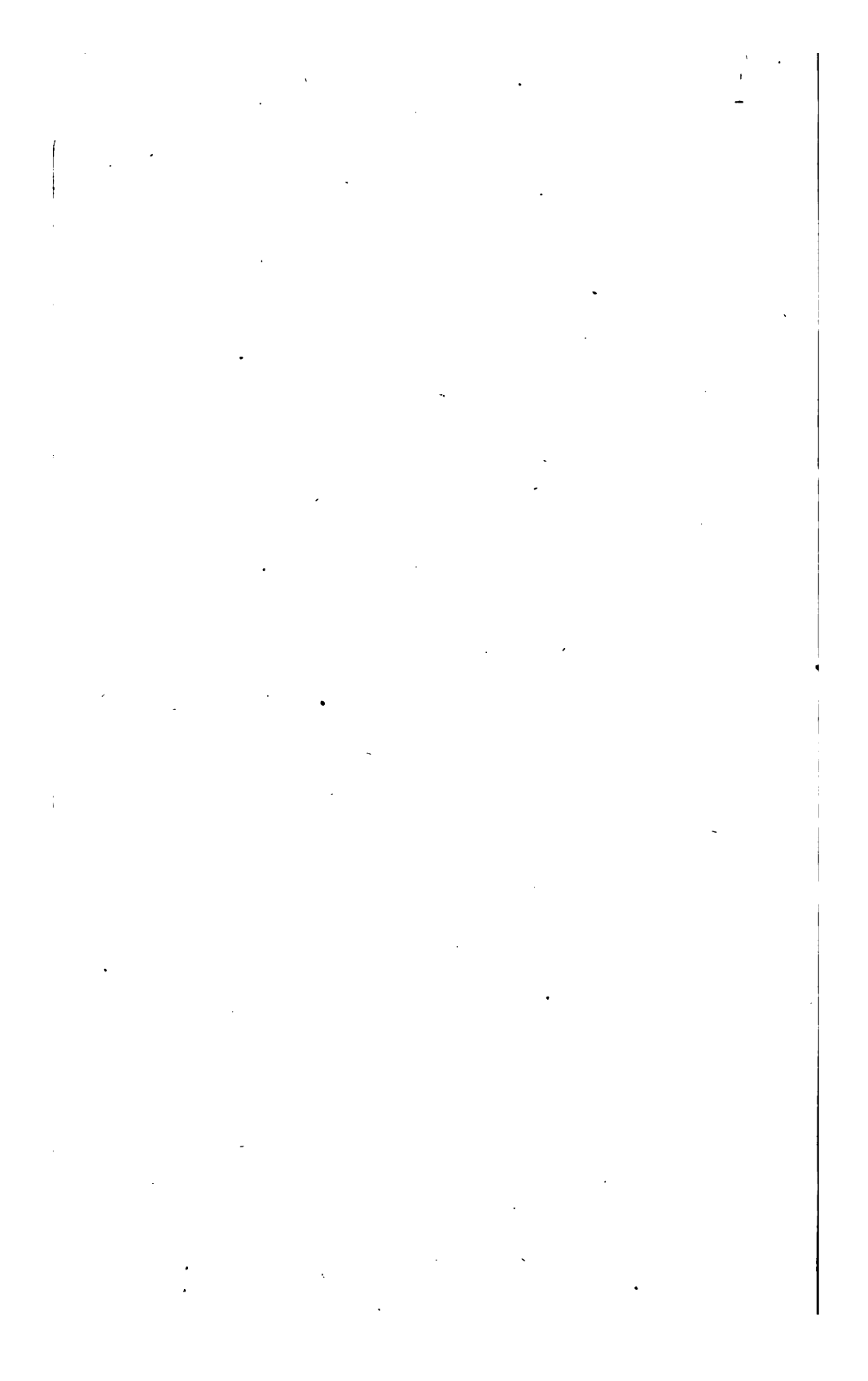




JOURNAL OF THE SENATE.

1846.

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THE
JOURNAL OF THE SENATE

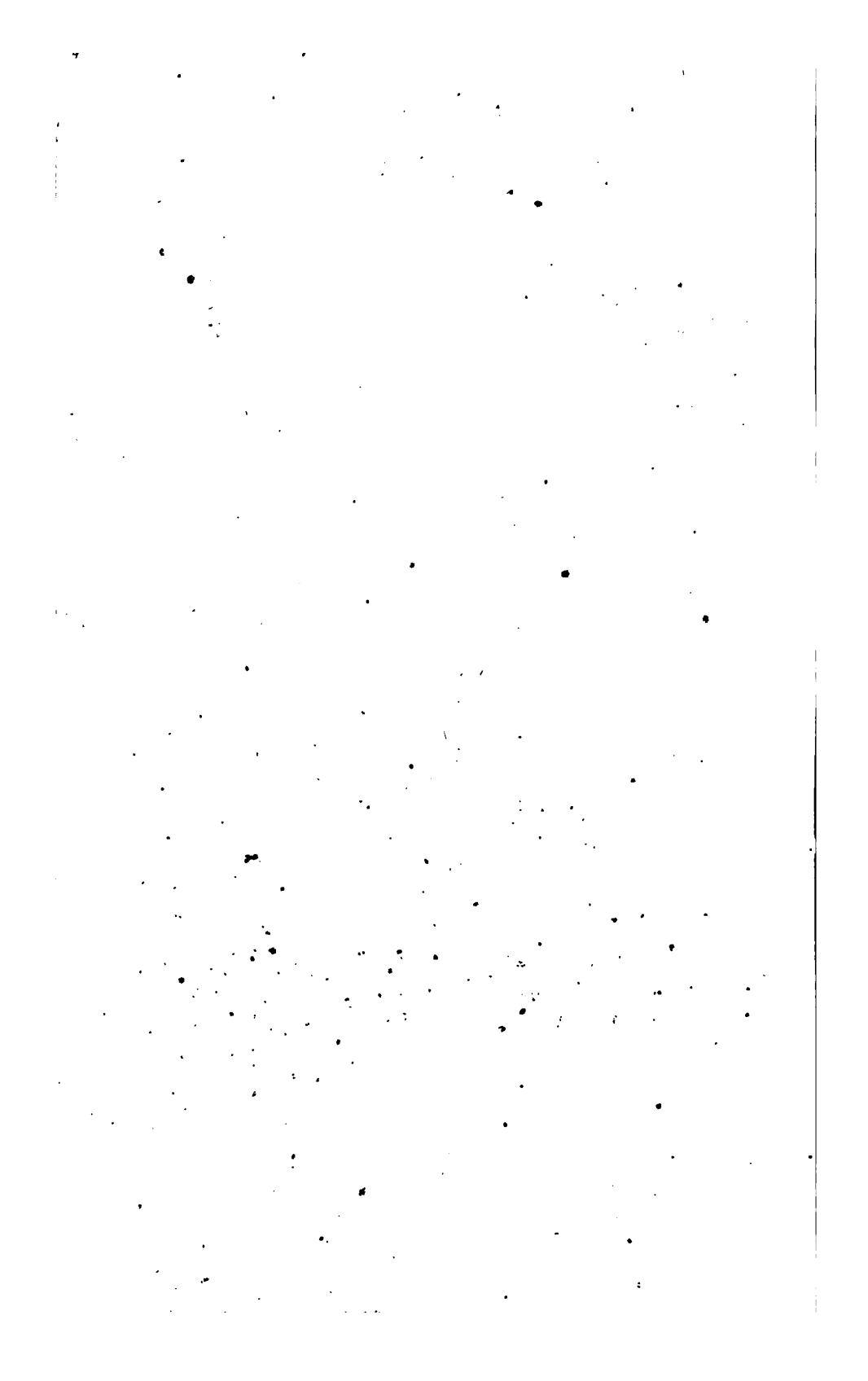
OF THE
STATE OF VERMONT.

OCTOBER SESSION,

1846.

PUBLISHED BY AUTHORITY.

WINDSOR:
PRINTED BY BISHOP & TRACY.
1846.



JOURNAL.

THURSDAY, OCTOBER 8, 1846.

AGREEABLY to the provisions of the Constitution and Laws, the Senate of the State of Vermont convened at the State House in Montpelier, on the second Thursday, being the eight day of October, in the year of our Lord one thousand eight hundred and forty-six.

In the absence of the Lieutenant Governor, the Senate was called to order by D. W. C. Clarke, the Secretary, when the roll was called and the following Senators answered to their names, to wit :

BENNINGTON COUNTY, . . .	{ BLACKMER E. BROWNELL, HEMAN MORSE.
WINDHAM COUNTY, . . .	{ EBENEZER HOWE, JR., JOHN KIMBALL, AUSTIN BIRCHARD.
WINDSOR COUNTY, . . .	{ ARTEMAS CUSHMAN, HARVEY BURTON, ROBERT B. CRAM, DEARBORN H. HILTON.
RUTLAND COUNTY, . . .	{ JOSEPH H. CHITTENDEN, GEORGE T. HODGES, JOHN FOX.
ADDISON COUNTY, . . .	{ DAVIS RICH, WILLIAM NASH.
ORANGE COUNTY, . . .	{ LEVI B. VILAS, REUBEN PAGE, HORACE FIFIELD.
CHITTENDEN COUNTY, . .	{ HARRY BRADLEY, DANIEL H. ONION.
WASHINGTON COUNTY, .	{ ORAMEL H. SMITH, MOSES ROBINSON.
CALEDONIA COUNTY, . .	{ WELCOME BEMIS, JAMES D. BELL.
FRANKLIN COUNTY, . . .	{ HIRAM BELLOWES, WILLIAM CLAPP, GEORGE W. FOSTER.

ORLEANS COUNTY,	ENOCH B. SIMONDS.
LAMOILLE COUNTY,	BURRELL S. MINER.
ESSEX COUNTY,	DAVID HIBBARD, JR.
GRAND ISLE COUNTY, . . .	GILES HARRINGTON.

And the whole number of Senators elect were found to be present.

The oath of office was thereupon administered to the Senators by the Secretary.

The Senate then proceeded to ballot for a President *pro tempore*.

Messrs. Smith and Chittenden were appointed tellers, and the ballots having been taken and counted, the

HON. GEORGE T. HODGES,

a Senator from Rutland County, was found to have been elected.

The President *pro tempore* was conducted to the chair by Messrs. Bradley and Vilas, and the oath of office was thereupon administered to him by the Secretary.

On motion of Mr. Bradley, it was

Ordered, That the Rules of the Senate of the last session be adopted as the Rules of the present session, until otherwise ordered.

On nomination of the President *pro tempore* the following Senators were appointed the Committee, on the part of the Senate, to canvass the votes of the freemen for Governor, Lieutenant Governor, and Treasurer of the State, for the year ensuing, namely :

Messrs. Howe, of Windham County,
Brownell, of Bennington County,
Fox, of Rutland County,
Cushman, of Windsor County,
Nash, of Addison County,
Fifield, of Orange County,
Onion, of Chittenden County,
Smith, of Washington County,
Foster, of Franklin County,
Bemis, of Caledonia County,
Hibbard, of Essex County,
Simonds, of Orleans County,
Harrington, of Grand Isle County,
Miner, of Lamoille County.

And the Canvassing Committee received the oath.

On motion of Mr. Onion, it was

Ordered, That the Senate do now proceed to elect a Secretary of the Senate for the year ensuing.

Whereupon, Messrs. Onion and Fifield were appointed tellers.

And the ballots having been received and counted, it was found that

D. W. C. CLARKE;

of Burlington, was elected ; and the oath of office was administered to him by the President *pro tempore*.

On motion of Mr. Vilas, it was

Ordered, That the Secretary inform the House of Representatives that the Senate have assembled, and organized by the election of the Hon.

GEORGE T. HODGES, President *pro tempore*, and are ready to proceed to the business of the session.

The Secretary performed this service.

Mr. Bradley introduced the following resolution, and it was read and passed, to wit :

Resolved, by the Senate and House of Representatives, That both Houses meet in Joint Assembly at 3 o'clock this afternoon to hear the Report of the Joint Canvassing Committee.

Mr. Onion presented the following joint resolution, and it was read and passed :

Resolved, by the Senate and House of Representatives, That the Secretary and Clerk of the respective Houses procure to be published in pamphlet form, for the use of the General Assembly, six hundred copies of a Legislative Directory, embracing the Joint Rules and the Rules of each House.

Mr. Fox presented the following resolution, and it was read and passed, to wit :

Resolved, That the Secretary cause to be provided for the President, Secretary, Assistant Secretary, and each of the Senators, one weekly and one daily newspaper, printed in Montpelier, such as each shall designate.

On motion of Mr. Onion, it was

Ordered, That when the Senate adjourn it shall adjourn till 3 o'clock this afternoon.

A message from the House of Representatives, by Mr. Miner, a member of that body, as follows :

MR. PRESIDENT :—I am directed to inform the Senate that a quorum of the House of Representatives have assembled, and organized by the election of the Hon. EBENEZER N. BRIGGS, as Speaker, and FERRAND F. MERRILL, Clerk *pro tempore*, and are ready to proceed to the business of the session.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have appointed as the Committee, on their part, to canvass the votes of the freemen for Governor, Lieutenant Governor, and Treasurer of the State, for the ensuing year, the following named members :

Messrs. Aylesworth, Harwood, McLaughlin, Earl, Howard, Barrows, Adams, Walker, Baldwin, Coleman, Capen, Brown, Foot, Wright, Bacon, Stebbins, Bill, Foster, Harmon, Fletcher, French, Phelps, Hadley, Smith, Newell, Kimball of Lyndon, Merrill, Drury, Bridges, Platt, Nelson, Bates, Gage, Terrell, Russell, Benjamin, Benton, Rich, Fry, Davis, Reynolds and Robinson.

The House concur with the Senate in passing the resolution providing for a Joint Assembly, to hear the Report of the Joint Canvassing Committee.

On motion of Mr. Onion,

The Senate adjourned.

AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have passed a resolution providing for the temporary adoption of the Joint Rules of the last session ; and a resolution providing for a Joint Assembly for the election of an Auditor of Accounts, and a Reporter of the Decisions of the Supreme Court, for the year ensuing ; in which resolutions they request the concurrence of the Senate.

The resolution from the House of Representatives providing for the adoption of the Joint Rules of the last session until it should be otherwise ordered, was

Read and passed in concurrence.

The resolution from the House providing for a Joint Assembly of the two Houses to-morrow morning, at 11 o'clock, to elect an Auditor of Accounts and a Reporter of the Decisions of the Supreme Court, for the year ensuing, was read, and,

On motion of Mr. Chittenden,

Ordered, To lie on the table.

The hour designated by a joint resolution for a meeting of the two Houses in Joint Assembly to hear the report of the Canvassing Committee having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

The following message was received from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution relating to the nomination and election of County Officers ; and a resolution providing for a Joint Assembly to elect a Governor, Lieutenant Governor, and Treasurer of the the State, for the year ensuing ; in which resolutions they ask the concurrence of the Senate.

The resolution from the House providing for a Joint Assembly this afternoon, at 4 o'clock, to elect a Governor, Lieutenant Governor, and Treasurer, for the year ensuing, was

Read and passed in concurrence.

The resolution from the House directing the meeting of the members of the two Houses in County and Probate District Conventions on Friday, the 9th instant, at 3 o'clock P. M., to nominate County Officers, and providing for a Joint Assembly on Saturday, the 10th instant, at 10 o'clock A. M., for the purpose of confirming such nominations, was read, and,

On motion of Mr. Smith,

Ordered, To lie upon the table.

The hour designated by a joint resolution for the meeting of the two Houses in Joint Assembly to elect a Governor, Lieutenant Governor,

and Treasurer of the State, for the year ensuing, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

It was, on motion of Mr. Cushman,

Ordered, That a Committee of two Senators be appointed by the President *pro tempore* to wait upon the Lieutenant Governor elect and conduct him to the chair of the Senate.

The President *pro tempore* appointed Messrs. Cushman and Smith to perform that service.

On motion of Mr. Bradley,
The Senate adjourned.

FRIDAY, OCTOBER 9, 1846.

Prayer by the Rev. Mr. Gridley.

The journal of yesterday was read and approved.

Mr. Cushman, from the Committee appointed to wait on the Lieutenant Governor elect and to conduct him to the Chair of the Senate, reported that the Committee had performed the service assigned to them, and that the Lieutenant Governor was now in attendance and prepared to enter upon the discharge of his duties.

Whereupon,

His Honor, LEONARD SARGEANT,

appeared on the floor of the Senate, received from the Secretary the oath of office, and assumed the Chair.

Mr. Smith called up the resolution on the table from the House of Representatives relating to the nomination and election of County Officers.

And it was passed in concurrence.

Mr. Chittenden called up the House resolution on the table providing for a Joint Assembly this morning at 11 o'clock, to elect an Auditor of Accounts and a Reporter of the Decisions of the Supreme Court, for the year ensuing.

And it was passed in concurrence.

(S. 1.) Mr. Chittenden introduced a bill entitled "An act extending the Charter of the Farmers' Bank."

And it was read twice and referred to the Committee on Banks.

On motion of Mr. Bradley, it was

Ordered, That a Committee of two Senators be appointed to wait on the Governor elect, and apprise him of the organization of the Senate,

and that they are prepared to receive any communication he may be pleased to make.

Messrs. Bradley and Vilas were designated by the President to perform that service.

On motion of Mr. Hodges, it was

Ordered, That the Senate do now proceed to the election of the Standing Committees.

The Senate then proceeded to ballot for the Standing Committees, and the following is the result:

On Finance—Mr. Rich, Chairman; Mr. Smith, and Mr. Onion.

On the Judiciary—Mr. Foster, Chairman; Mr. Vilas, and Mr. Burton.

On Claims—Mr. Hodges, Chairman; Mr. Fifield, and Mr. Kimball.

On Education—Mr. Fox, Chairman; Mr. Smith, and Mr. Cram.

On Agriculture—Mr. Howe, Chairman; Mr. Bemis, and Mr. Morse.

On Manufactures—Mr. Simonds, Chairman; Mr. Robinson, and Mr. Hilton.

On Elections—Mr. Clapp, Chairman; Mr. Miner, and Mr. Birchard.

On Military Affairs—Mr. Cushman, Chairman; Mr. Page, and Mr. Brownell.

On Roads and Canals—Mr. Chittenden, Chairman; Mr. Harrington, and Mr. Bellows.

On Banks—Mr. Bradley, Chairman; Mr. Fifield, and Mr. Nash.

On Land Taxes—Mr. Hibbard, Chairman; Mr. Bell, and Mr. Simonds.

On Rules—Mr. Hodges, Chairman; Mr. Vilas, and Mr. Foster.

On motion of Mr. Cram,

The Senate proceeded to the election of an Assistant Secretary for the year ensuing.

The ballots having been taken and examined,

THOMAS E. POWERS, of Woodstock, was declared to be elected; and he thereupon appeared, and the Secretary administered to him the oath of office.

On motion of Mr. Cushman,

The Senate proceeded to elect a Chaplain for the year ensuing.

The ballots having been received and counted, it was found that the

REV. GEO. B. MANSER, of Montpelier, was duly elected.

The President laid before the Senate the following communication from the Governor elect:

To the Honorable L. SARGEANT, }
President of the Senate:

SIR:—Having been informed of my election to the office of Governor, I would inform the Senate, through you, that I propose to take the required oath of office in the Executive Chamber, at 2 o'clock this afternoon.

I would also inform the Senate that I have appointed Mr. FREDERICK BILLINGS, of Woodstock, Secretary of Civil and Military Affairs; and that I propose to transmit to the Senate my annual Executive communication to-morrow morning. I am, Sir, very respectfully,

Your ob't servant,
HORACE EATON.

MONTPELIER, Oct. 9, 1846.

The President announced the appointment, as the Committee on Rules, of Messrs. Hodges, Vilas, and Foster.

Mr. Cushman presented the following resolution :

Resolved, by the Senate and House of Representatives, That a Committee of two members of each House be appointed to report Joint Rules for the present session.

And it was read and passed.

The President announced as the Joint Committee on the part of the Senate, under the foregoing resolution, Messrs. Cushman and Smith.

The hour designated for a meeting of the Joint Assembly to elect an Auditor of Accounts, and a Reporter of the Decisions of the Supreme Court, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

On motion of Mr. Harrington,
The Senate adjourned.

AFTERNOON.

On motion of Mr. Onion,
The Senate adjourned.

SATURDAY, OCTOBER 10, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President announced the appointment of Charles J. Loomis as a Messenger in the Senate, under the 4th Standing Rule.

The President laid before the Senate the following communication from the Speaker of the House of Representatives :

REPRESENTATIVES' HALL, Oct. 9, 1846.

To the Honorable LEONARD SARGEANT, }

President of the Senate: }

SIR :—I have the honor to inform you that the House of Representatives have elected FERRAND F. MERRILL their Clerk for the year ensuing.

Very respectfully,

Your ob't serv't.

E. N. BRIGGS,

Speaker of House of Rep.

(S. 2.) Mr. Miner introduced a bill entitled " An act in amendment of ' An act relating to Common Schools.' "

And it was read twice and referred to the Committee on Education.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution providing for a Joint Committee to prepare and report Joint Rules of the two Houses, and have appointed on their part, Messrs. Russell and Harrington.

The House have appointed the following named gentlemen to constitute a Committee on their part to canvass the votes of the freemen of the several Congressional Districts for Representatives to Congress from this State:

First District—Messrs. Tyler, Rice, Tucker, Marks, and Conkey.

Second District—Messrs. Hazen, Danforth, Henry of Weathersfield, Thomas, and Foster.

Third District—Messrs. Lawrence, Hobart, Bridges, Maynard, and Hall.

Fourth District—Messrs. Clark of Montpelier, Fairbanks, Cleveland, Rich of Maidstone, and Russell.

Mr. Bradley, from the Select Committee appointed to wait on the Governor and apprise him of the organization of the Senate, reported that the Committee had performed the duty assigned them.

The President announced the appointment of the following named Senators to constitute the Committee on the part of the Senate to canvass the votes of the freemen for Representatives to Congress, namely:

First District—Mr. Morse.

Second District—Mr. Rich.

Third District—Mr. Cram.

Fourth District—Mr. Robinson.

The following communication was received from the Sergeant-at-Arms:

OFFICE OF SERGEANT-AT-ARMS, }
Montpelier, Oct. 10, 1846. }

Hon. LEONARD SARGEANT:

SIR:—In pursuance of law, I hereby appoint, subject to your approval, the following named persons, Officers of the Senate for the year ensuing:

Moses Hawks, Door-Keeper.

William A. Dodge, Asst. Door-Keeper.

I have the honor to be, with respect,

Your ob't serv't,

W. T. BURNHAM,

Sergeant-at-Arms.

Mr. Fifield, on his own request, was excused from serving on the Committee on Claims, to which he had been elected.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT:—I am directed by the Governor to transmit to the Senate the annual Executive communication.

The annual Executive Message to the General Assembly was thereupon read, and is as follows:

Fellow Citizens of the Senate and House of Representatives:

On assuming, as we now do, the guardianship of those civil interests of the State which have, for a short period, been entrusted to our care, it is proper that we should call distinctly to mind the nature and extent of the obligations and responsibilities which rest upon us. We are but "trustees and servants of the people." And, therefore, while we accept the trusts which they have conferred, with that unfeigned gratitude which the confidence thus reposed in us so justly demands, let us not be seduced to imagine that we are free, in the discharge of these trusts, to consult our own personal benefit, or to be guided altogether by our own personal views and predilections. On the contrary, we should keep it clearly and constantly in view, that the offices we hold are bestowed to be executed for the benefit of those who conferred them.

It is not, however, sufficient for us merely to recognize our responsibility to the people. We should also remember that the civil privileges which we enjoy, and of which the guardianship is temporarily committed to our hands, are the gifts of a gracious and beneficent Providence: and consequently, if we are unfaithful to our trusts, we are not only treacherous to those who have confided their interests to our care, but we incur the yet deeper guilt of ingratitude to Heaven.

Let us then habitually regard the offices with which we have been entrusted, not only as obligating us to those who have clothed us with a brief authority, but as involving a still higher responsibility to Him who gives the privileges and blessings which we are called to guard.

During the past year we have, as a State and people, received from the Great Author of all good, renewed tokens of his beneficence, in not only preserving to us our civil privileges, but in granting to us even more than the common blessings of His Providence, in the means of personal and social enjoyment. The earth has yielded her increase in more than ordinary abundance: and our citizens have generally, been prospered in their various pursuits, so that industry has every where received a large reward for her toils. No wasting sickness has visited us, but on the contrary, even more than wonted health has generally prevailed. And although the sound of war has been heard in the distance, yet it has not excited apprehensions for our own personal security; its desolations have not been felt within our own borders, nor have its sorrows, except in a few instances, entered our dwellings.

Perhaps no State in the confederacy has been characterized by greater simplicity in its legislation and government, than has the State of Vermont. The line of policy, which the State seems to have marked out, has been to govern as little as might be consistent with the proper protection of her citizens, and the advancement of their substantial interests. Never turning coldly away from the claim of the humblest to be protected in the enjoyment of "life, liberty and happiness," she has yet shunned the opposite error of legislating for the benefit of individuals to the injury of multitudes, and avoided all complicated and entangling connections with private or local interests. And while she has extended her favoring smiles and fostering care to all useful enterprises calculated to promote the general good, whenever their successful prosecution required it, she has yet never sought to assume the special and exclusive guardianship even of public and common interests, when they could be adequately sustained and promoted in any other way. And this general course is one which sound economy and a regard for the best interests

of the people at large, would, for reasons sufficiently obvious, ever dictate. Let it be our purpose, then, to conform to so wise and prudent a system of policy, and aid in perpetuating it.

Aside from making the ordinary annual appointments, your duties for the session will probably be few. In the proper field of legislation, there is not, to my knowledge, any great and prominent measure of public interest, which will demand your attention. Modifications of existing laws may, in some cases, be required, to meet new features in our condition, or to remedy original defects in past enactments. Our habits of rapid legislation of course expose to the danger of passing laws not perfectly matured. Yet this expedition in the transaction of business can scarcely be regarded as a fault, unless carried to the extreme; and this ought doubtless to be guarded against. But imperfections and errors, whether the result of haste or of changing circumstances, should of course be remedied as experience and practice bring them to light. And in the mean time, the recognized principle that laws should be as stable as the changing condition and wants of society will permit, will doubtless be kept in view, and exercise its due influence in determining the extent of our legislation.

Among the subjects which may claim your attention will perhaps be that of our system of public accounting. A confidence does not seem to be universally felt that sufficient guards have as yet been thrown around it. If an apology could be found any where for any looseness of practice in the management of public funds, there surely can be none for it in Vermont. And it may be an appropriate subject for your inquiry, whether any further provisions are necessary for securing that punctuality and fidelity in this branch of the public service, which the interest of the state requires.

By existing laws, however, it is made the duty of the Auditor of Accounts to report annually "any modifications which experience shall prove to be necessary or expedient in order to procure a faithful accounting for all public funds;" and the report of this officer, which will in due time be laid before you, will give your inquiries, if in his opinion there should be occasion for any modifications, a more definite direction than is here attempted or deemed necessary.

The practice of taking excessive interest is a wrong against which no adequate remedy has been provided, although the attention of the legislature has been repeatedly invited and given to the subject. Measures have been proposed for remedying the evil, but none so satisfactory as to have received the legislative sanction. But I deem the subject one of sufficient importance renewedly to claim your attention, although I can suggest no better mode of guarding against the wrong or of obtaining redress under it, than that of a chancery process. In case, however, this remedy or any other should be fixed upon, I would respectfully suggest the propriety of making it prospective only in its operation. It is true that a provision for a new and more effectual mode of recovering back usurious interest, inasmuch as law was violated in taking it, could not strictly be regarded as attaching any new penalty to an offence after it had been committed. But it is ever desirable to avoid disturbing past transactions entered into with due regard to the estimate which the law, either expressly or impliedly, has placed upon them. And as in this case the statute seems almost to sanction the taking of usurious interest by the utter inadequacy of its provisions for preventing the practice,

contracts, made under the law as it is, might be regarded as having received a guarantee almost equivalent to a pledge of public faith, that they should never be called in question. Whether this view of the subject, however, be tenable or not, it is believed that a remedy looking only to the future would be more likely to be received with favor, because awakening no apprehension that transactions supposed to be completed were to be brought into controversy. If the wrongs of the past are not redressed under this plan, it will still be no small attainment to guard against like wrongs for the future.

It is a matter of just gratification to be able to say that the Geological Survey of the State has been progressing during the past season with a good degree of rapidity, and that it appears to be accomplishing all those useful results which were anticipated from it by the most ardent friends of the measure.

The ends proposed to be attained by this survey may justly be regarded as of no insignificant importance. The great object contemplated was to present to the people of the State as much practical and available information as possible, in regard to our rocks, soils, and mineral products, with a view to the immediate benefits which would flow to the great interests of agriculture and manufactures—more especially the former—by way of diverting labor from projects and enterprises that would end in disappointment and loss, and directing it into proper and profitable channels. The correction, too, of injudicious modes of cultivation, tending to gradual deterioration and ultimate exhaustion of the soil, and the substitution for them of practices and methods of management calculated steadily to fertilize and improve it, while it should, at the same time, be yielding to the laborer a present reward—was one of the modes in which it was believed the benefits of the survey would be realized. And these benefits will continue to diffuse themselves, and reach far beyond the period when the expenditure which secured them shall cease to be needed, because they rest upon the only sure foundation of all solid and permanent improvement—that of increased knowledge. They operate not merely by urging industry to more vigorous efforts, but by guiding it in such a direction as to make its efforts most availing, with the least expenditure of sweat and toil.

That agriculture is intrinsically an important interest and worthy of legislative encouragement, so far as this may be necessary to sustain it, can scarcely be questioned. It is the first step in the progress of society to civilization, and as an employment, it must lie at the foundation of all others that go to form the fabric of national greatness and prosperity. Vitally important then as the employment in question is to the welfare of humanity, and intimately blended as its interests are with all the great interests of an elevated and advanced civilization, we might hope that under the conjoined aid of theory and practice, it would in due time be enabled to partake of the certainty of the exact sciences, as well as be ranked among the most elevated and honorable of human pursuits.

And while this interest is confessedly one of such vast general importance, it certainly cannot be doubted that it is essential to the prosperity of Vermont. And perhaps in no State in the Union is it more pre-eminently important that the cultivation of the soil should be conducted in accordance with sound principles in agricultural science. The prairie and other alluvial soils which abound in many of the States, being richly charged with all those various mineral elements which enter into dif-

ferent vegetable products, may, even if no correct principles of science are applied in their cultivation, continue to yield abundant harvests for a long series of years—although doubtless liable to be ultimately exhausted. But the soils of Vermont, chiefly primitive in their character, less deep and less abounding in those ingredients essential to prolonged spontaneous fertility, require that correct practical principles be brought to bear upon their cultivation, if we would secure their increased productiveness, or even save them from deterioration. What nature, however, has not done for our State, science can do. Let its light then be diffused, and its guidance be followed, and, under an adequate system of protection to this interest in connection with others, Vermont has nothing to fear for her continued and increasing prosperity. Her valleys and plains will teem with unsurpassed fertility, and sheep and cattle graze, in countless thousands, on her hillsides, while the busy hum of prosperous industry shall be heard from all her thriving villages. And if the survey, whose bearings and influence have, in view of their importance, been thus considered at length, shall aid, as it is confidently believed it will, in securing such results, no citizen can feel that it has been undertaken and prosecuted in vain.

The contributions made by the survey to the now rapidly unfolding science of geology, and the aid afforded by it in solving problems of deep interest to the scientific world, although ranking as secondary considerations, are yet in no danger of being overrated in our estimate of their importance.

I am not apprised that any further appropriation will be required in order to complete satisfactorily the field-labor of the survey, unless, perchance, on making up the final report, it should be found that some facts were wanting to complete the chain of evidence in regard to certain conclusions, so that some flying excursions should be deemed necessary to supply the deficiency. If so, a small sum might be needed for the purpose.

On the publication of the final report, such a form can be given it, and such provisions made for its distribution, as may at the time be deemed desirable and expedient.

The report of the State Superintendent of Common Schools will immediately be laid before you. In regard to that great interest of the State which forms the subject of this report, it is sufficient for me here to say, that all the beneficial purposes and results which it could reasonably have been expected should be accomplished at so early a stage of the common school enterprise, as connected with our recently adopted system of supervision, it is believed have been fully realized. A very laudable degree of interest for the improvement of their schools has been awakened among the people in many parts of the State; a deeper anxiety exists among teachers to secure a proper qualification for their work; and the general impulse has extended its quickening influence to the schools themselves, imparting to their pursuits a life and animation unknown and unfelt before. And I cannot forbear earnestly to express my deep and firm conviction, that the highest and best interest of the State demands the continued maintenance of measures calculated to elevate the character of our common schools, in view of the vast influence which these institutions must exert upon our unfolding and advancing destinies.

The reports of the Trustees and Superintendent of the Vermont Asy-

lum for the Insane, which have been forwarded to me, exhibit a prosperous and flattering condition of that institution. Its buildings recently erected are now completed, so that ample accommodations are provided for three hundred patients, and it is giving, in the results of its operations ample evidence that the benefactions of the State to it have not been unworthily bestowed.

During the year it appears that 197 have been admitted into the Asylum, and 169 have been discharged. Of those discharged, 94 had recovered and 34 were improved. There are now in the institution 291, of whom 123 are beneficiaries, sharing in the continued munificence of the State.

It cannot but be gratifying to the friends of humanity that the institution, free from debt, and with accommodations so complete as it now possesses, has entered upon a full and unembarrassed career of usefulness, and is now, from week to week, giving back to society, to usefulness and to happiness, those who had entered within its walls under the darkening of mind and soul, the propensity to mischief, and perchance the ferocity, which characterize the unhappy maniac. Or where the cloud of darkness has settled permanently down upon the soul of the unfortunate inmate, so that in the utterness of his mental ruin no such favorable result, as we have supposed, can be realized, our humanity may yet be consoled by the reflection that a refuge is afforded him the best adapted to his condition, and the best calculated to contribute to his comfort and happiness, that benevolence could provide or devise.

But Vermont, aside from the interests which her domestic policy can reach and guard, has others, growing out of her relations to the general government, of high importance. And these interests have been deeply affected by the prominent measures which, during the past year, have been consummated in the Congress of the United States.

Among those measures, and first in the train, is that by which the institution of Slavery has been so distinctly recognized as one of the elements of national policy, and adopted as one of the objects of the nation's care. By thus prostituting the nation's power, and applying its energies to the unconstitutional and unhallowed purpose of extending the limits and increasing the political influence of this institution, the government has encroached upon our own just rights, as well as committed an outrage upon the moral feelings of our citizens.

Against slavery itself, as a system wrong in practice and wrong in principle, Vermont has taken the ground of irreconcilable hostility; and she must and will continue to maintain it. Educated under a State constitution which breathes the spirit of freedom in every line, her people have deeply imbibed that spirit. In defending and maintaining her position, she would infringe on no constitutional rights; she would dissuade from all lawless violence. Her abhorrence of slavery will manifest itself neither in words of insolence, nor acts of outrage. It is embodied in a calm, though stern and settled purpose, earnestly to advocate the cause of human rights, and firmly and fearlessly to resist any encroachment upon her own. And this it is her fixed determination to do by what ever means she can rightfully and lawfully command.

It is true that the unjust measure alluded to has been consummated, and as one of its disastrous consequences already realized, we have been involved in an unhappy war with a neighboring Republic. But if the past is beyond retrieve, we still have duties to perform for the future.

We have yet to engage in fresh conflicts. The measure already consummated, we are reluctantly compelled to believe, is but one of a series of measures yet impending, designed to give to the slave system still greater influence in the general government, and to secure the perpetuity of its power. Encouraged by past success, slavery appears to be projecting schemes for the extension of her domains over yet wider space, and for an increase of the already disproportionate amount of political power conceded to the territory which has been recently acquired.

I submit then the inquiry whether the occasion does not demand some action on the part of the Legislature, at this time, by way of resisting the further progress of this dangerous and growing evil, which now threatens to absorb every other interest of the government, and to bind the nation's energies to the unworthy and odious task of ministering to its own unholy purposes and demands.

Should not the State proclaim to the country that she persists in the determination "to oppose the admission into the Union of any State whose constitution tolerates domestic slavery?" And should not such declaration go forth accompanied with the intimation that Vermont begins to feel, in relation to this subject, that "there is a point beyond which forbearance ceases to be a virtue?" That this ground of unyielding opposition is the ground which right and justice and the honor of the State require us to maintain, there can be no question. And we scarcely need stop to make the inquiry whether a public avowal of our position, or any other action on our part, will avail to resist the insatiable demands of slavery, and stay the present flood-tide of her power. It would stand recorded more to the honor of the descendants of patriotic and worthy sires, that they earnestly and unwaveringly struggled, though in vain, for the right, than that they aided, or even tamely submitted to, the wrong. And while we are reaping, as we have begun to do, the bitter fruits of the measure which has already been consummated in defiance of the wishes of Vermont, and in opposition to her earnest appeals to national justice and national magnanimity, it is to her no source of regret, but rather one of just and honest pride, that she remonstrated against the measure in advance, and exerted her best energies to prevent its consummation. And her regrets under the calamities which have followed the deed of wrong, may be alleviated by the reflection that they are not of her own procuring.

There is, however, no occasion to despair for future efforts. In the lessons of wisdom which the past may have impressed, and in the gradual progress of enlightened views and just sentiments in regard to the intrinsic wrong of slavery and its unworthiness of a rank among the interests of the nation, we may see fair presages, for the future, of more auspicious results.

Among the recent measures of the general government, Vermont cannot but deeply feel that of the overthrow of that system of protective policy under which she had been enjoying such unwonted prosperity. This must be regarded as one of the bitter results of that addition, already spoken of, which has been made to a political power in the government which we must expect will ever be hostile to the interests of free labor. But Vermont cannot see her interests crushed and her prosperity stayed without uttering her clear and deep-toned condemnation of the ruinous policy under which her prospects are thus blighted. She *has* insisted, and will *still* insist, upon protection, as a true and correct system of na-

tional policy. Her convictions both in regard to its utility, and the obligations of the government to yield to her its benefits, have been too clear to allow her to be shaken in her belief, or frightened into quiet submission by a distinct and open repudiation of the protective principle.

In regard to the advantages of the system, no proposition, it would seem, could be more clear and palpable than that the nation which protects the labor of its own population, which fosters and encourages its own industry in all its various pursuits, and aims in its whole policy to secure so far as practicable the production, within own its limits, of every article requisite for the supply of its own wants, will be likely to increase in wealth and its attendant means of enjoyment more rapidly than one which coldly turns away from its own industrial pursuits, withholding its fostering care, and pursuing a course of policy rather calculated to stimulate the industry of other countries, by opening to them a market in which all restrictions against a ruinous competition have been removed. No doubt could well be entertained in regard to the result. And in consideration of the large proportionate amount of the products of a nation's labor which is required for immediate consumption, the effect of adding, by such encouragement, but a fraction to the ordinary amount of that labor, is to add to its surplus products, and to increase a nation's wealth in the shape of permanent improvements and accumulated means of ministering to the higher wants, in a much greater proportion than, at a hasty glance, would be apparent.

But no argument or theory could be needed when we have such ample evidence upon the point in our experience under the protective tariff of 1842. A general prosperity, before unknown, here exhibits itself, and asserts, in unequivocal language, the wisdom and beneficence of the policy embodied in that measure. Under it, industry has been reaping, in every department of labor, a competent and sure reward for her toils; and an increase of the comforts of life among all classes has been so palpably and so universally apparent that the least observant could not fail to perceive it, nor could the hardiest dare to deny its reality. And why has a blight been wantonly thrown over this cheerful and gratifying prospect?

To deny to the Congress of the United States the right, in levying duties upon imports, to discriminate, in the adjustment of those duties, for the specific and distinct purpose of protecting such useful branches of industry as may require this protection in order to ensure their prosperity, is not only to deny to it a right inherent in every government, but to repudiate one of the leading purposes and ends for which the confederacy was formed, and to discharge it from one of its highest and most sacred obligations. Vermont will denounce the doctrine wherever she meets it, that any government in which she is concerned was instituted to provide for its own wants, while the interests of the people were to be regarded as beyond the scope of its purposes. Indeed, the heretical proposition bears upon its face the stamp of its own absurdity. Yet this regard for the industrial interests of the country, which we ask of the government, is in no practical shape incompatible with a provision for its own distinct wants. We are content that Congress should impose such an amount of duties, and such only, as will raise a sufficient revenue to meet the expenditures of the general government, while we insist that discriminations be made for the distinct and prominent purpose of granting protection wherever it is needed. Let the relative scale

of duties be fixed in accordance with this principle, and the absolute rate we cheerfully leave to be determined by the necessities of the case.

The rejoicing, in foreign lands, which has been elicited under the assumption that "henceforth the principle of duties for protection must be considered as abandoned in the United States," is not without sufficient occasion, if this abandonment is, in truth, destined to be perpetual. Under it, we surrender to be shared with other nations, no small portion of the benefits justly accruing to us from the industrious and enterprising habits of our population—dividing the fruits of a toil which in the otherwise favorable circumstances under which it is bestowed, ought to raise us above the common lot of humanity in the enjoyment of the comforts and blessings of life.

It cannot however be supposed, that those who advocate and sustain the free trade policy, contemplate this result as a primary and direct object of pursuit. But the important consideration that this policy benefits other lands at the expense of our own, is overlooked by the supporters of the system in their earnest desire to accomplish coincident purposes of their own, or purposes at best of local and limited utility, to the attainment of which they are ready to sacrifice the welfare of the country.

But whatever be the motive which prompts to this cold desertion of the interests of the country, or rather to the unnatural warfare which is waged against them, Vermont will raise her voice and exert her energies against such an unjust and heartless policy as has now gained the ascendancy, until she sees the restoration of that system of protection to American industry which the "Fathers of the Republic" adopted without misgivings, and pursued without wavering. Her confidence that success will finally crown her efforts is founded upon her strong conviction that the policy of which she demands the adoption, is not merely a *local* but *national* policy, and that hence she cannot want for aid in the re-establishment of a system so benign in its operations, and so vitally essential to her own and the general welfare.

Whether any specific action is requisite in regard to this important subject, or to others not adverted to, in which our interests are involved by our connection with the general government, is cheerfully confided to your decision, to be determined by your own judgment in regard to what the interest of the State may demand.

Permit me to assure you that I shall cordially coöperate in all your measures designed to promote the welfare and prosperity of our people. And in the discharge of all our official duties, may we be guided by such motives, and be enlightened with such wisdom, that, with the divine blessing to crown our efforts, none of the great interests of the State—her industry, education, morals, or religion—shall suffer at our hands.

HORACE EATON.

EXECUTIVE CHAMBER,
Montpelier, October 10th, 1846. }

On motion of Mr. Rich, it was thereupon

Ordered, That the said message be laid upon the table, and that the Secretary procure 300 copies to be printed for the use of the Senate.

The hour designated for a meeting of the Joint Assembly to confirm County nominations having arrived, the Senate repaired to the Hall of the House of Representatives.

And having returned therefrom,

On motion of Mr. Hodges, it was

Ordered, That when the Senate adjourns, it will adjourn till Monday morning next.

On motion of Mr. Bradley, it was

Ordered, That the Senate do now proceed to the election of a Senator to complete the committee on Claims.

The ballots were thereupon taken and examined, and Mr. Harrington was found to be elected.

On motion of Mr. Simonds,

The Senate adjourned.

MONDAY, OCTOBER 12, 1846.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

The President signified his confirmation of the nomination by the Sergeant-at-Arms of Moses Hawks as Doorkeeper, and William A. Dodge as Assistant Doorkeeper, of the Senate.

And they were thereupon sworn.

(S. 3.) Mr. Brownell introduced a bill entitled "An act to incorporate the Green Mountain Bank."

And it was read twice and referred to the Committee on Banks.

Mr. Cushman from the Joint Committee appointed to prepare and report Joint Rules, reported the following, which were adopted on the part of the Senate :

1. A joint assembly shall be formed by a union of the Senate and House of Representatives in the hall of the latter, for the purpose of electing certain State and County officers, and Judges of Probate, in which the Secretary of State, or in his absence the Secretary of the Senate, shall officiate as Clerk. It shall be formed only at such time, and for such specific purpose, as may be expressed in a concurrent resolution of both Houses; and may adjourn from time to time during the sitting of the General Assembly.

2. The proceedings of every joint assembly, including the resolutions ordering the same, shall be recorded by the Clerk in a book kept for that purpose, which shall be preserved in the office of the Secretary of State, a copy of which shall be furnished to the Governor by the Secretary of State.

3. Previous to the meeting of any joint assembly, for the election of county officers and Judges of Probate, the members of the Senate and

House of Representatives, from the several counties, shall meet in conventions, and make a nomination, of all the officers to be elected in their respective counties, and the members of the Senate and House of Representatives residing in the several Probate districts, shall meet in convention and make nomination of the Judges of Probate for their respective districts, and present the same for the consideration of the joint assembly; and no nomination of any county officers or Judges of Probate shall be finally acted on by the joint assembly, until the same shall have been submitted to the aforesaid conventions.

4. The rules of the Senate, so far as applicable, shall be observed in regulating the proceedings of every joint assembly.

5. A joint committee of three Senators and three Representatives shall be appointed by the presiding officers of the two houses respectively, to whom may be referred all documents transmitted by the Governor for the use of the General Assembly, who shall report thereon to that House from which they were received.

6. The committees of the Senate and House of Representatives, to whom the same subject matter shall have been referred, may, for the purpose of facilitating business; meet together as a joint committee, and make a joint or separate report to either or both houses, as they may think expedient.

7. In every case of disagreement between the Senate and House of Representatives, if either shall request a conference and appoint a committee for that purpose, and the other house shall also appoint a committee on its part, such committees shall meet, at a convenient hour, to be agreed upon by their chairmen, in the conference room, and state to each other verbally or in writing, the reasons of each house for its vote on the subject matter of disagreement, confer freely thereon, and make report of their doings to their respective houses as soon as may be.

8. Committees of conference shall consist of an equal number from each house, and shall return the papers referred to them to that house which last voted upon the subject matter of disagreement.

9. When bills are on their passage between the two houses, they shall be under the signature of the Secretary or Clerk of each house respectively.

10. After bills have passed both houses, and a certificate showing the one in which they respectively originated has been duly endorsed thereon, they shall be delivered to a joint standing committee of two Senators and two members of the House of Representatives, to be designated the Committee on Bills, who shall make careful examination, and see that they are correctly engrossed, and when satisfied of their accuracy, shall present them, first to the Speaker of the House of Representatives, and then to the President of the Senate, for their official signatures, and having obtained them, they shall forthwith deliver them to the Governor for his approval, and shall make true report to both houses of the day on which such bill was delivered to the Governor, which shall be duly entered upon the journal of each house.

11. When a bill or resolution, which shall have passed one house, is rejected in the other, notice thereof shall be given to the house in which the same shall have passed; and all such rejected bills or resolutions, with the accompanying papers, shall be returned to, and left in custody of, the house which first acted upon them.

12. Each house shall transmit to the other all papers on which any

bill or resolution shall be founded; and should such bill or resolution pass both houses, the same papers shall be delivered to the Governor.

13. After each house shall have adhered to the vote of disagreement, a bill or resolution shall be lost.

14. No bill, which shall have passed one house, shall be sent for concurrence to the other, on either of the two last days of the session.

(S. 4.) Mr. Howe introduced a bill entitled "An act in addition to Chapter 11 of the Revised Statutes, entitled 'Of County Officers.'"

And it was read twice and referred to the Committee on the Judiciary.

(S. 5.) Mr. Birchard introduced a bill entitled "An act relating to the Grand List."

And it was read twice and referred to the Committee on Finance.

The following communication was received from the Governor by the hands of Mr. Billings, the Secretary of Civil and Military Affairs:

To the Senate:

I have the honor to inform the Senate that a vacancy has occurred in the office of Brigadier General of the 9th Brigade 3d Division of the militia of this State, by the resignation and discharge of Brigadier General Stephen Dudley.

HORACE EATON.

EXECUTIVE CHAMBER, }
October 12, 1846. }

On motion of Mr. Hodges, it was

Resolved, That so much of the Governor's Message as relates to the Asylum for the Insane; and so much as relates to the Geological Survey of the State, be referred to the Committee on Finance.

On motion of Mr. Kimball, it was

Resolved, That so much of the Governor's Message as relates to the subject of Education be referred to the Committee on Education.

Mr. Hodges presented the following resolution:

Resolved, by the Senate and House of Representatives, That both Houses meet in Joint Assembly on Wednesday next at 10 o'clock A. M. for the purpose of electing Judges of the Supreme Court, for the year ensuing.

And it was read and passed.

On motion of Mr. Howe, it was

Resolved, That so much of the Governor's Message as relates to the system of Public Accounts be referred to the Committee on Finance; and so much of said Message as relates to the taking of Usury be referred to the Committee on the Judiciary.

Mr. Harrington presented the following resolution:

Resolved, That the Secretary of State be requested to furnish to the Senate as soon as conveniently may be, a tabular statement of the amount expended yearly for the support of the Vermont State Prison, over and above the income, exclusive of the erection of buildings; including the expenses of officers, agents, and prisoners, each year, from the establishment of said Prison to the present time—also containing a state-

ment of the average number of prisoners each year during the same time.

And it was read, and,

On motion of Mr. Foster,

Ordered, To lie upon the table.

(S. 6.) Mr. Smith introduced a bill entitled "An act relating to the destruction of Sheep by dogs."

And it was read twice and referred to the Committee on Agriculture.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—I am directed to inform the Senate of the death of Doct. WILLIAM C. WARNER, late the Representative of the town of Bristol, who died in this village on the 11th instant.

Whereupon,

Mr. Rich presented the following resolutions, which were unanimously adopted :

Resolved, That the Senate have heard with deep regret the melancholy intelligence of the death of Doct. Wm. C. Warner, late the member of the House of Representatives from the town of Bristol.

Resolved, That as a testimony of respect for the memory of the deceased, the Senate do now adjourn until to-morrow morning.

On motion of Mr. Hodges,

The Secretary was directed to communicate the foregoing resolutions to the House of Representatives.

The Secretary performed this service.

Whereupon,

The Senate adjourned.

TUESDAY, OCTOBER 13, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President announced the appointment of Messrs. Ogion and Brownell, as the Committee on Bills ; and of Messrs. Kimball, Miner, and Chittenden, as the Committee on the part of the Senate under the 5th Joint Rule to whom may be referred all documents transmitted by the Governor to either for the use of the General Assembly.

Mr. Hodges presented the following resolution :

Whereas, the members of Rutland County Bar have procured a full length Portrait of Chief Justice Williams to be painted by Mr. B. F. Mason, and have presented the same to the State to be placed in the Capitol ; Therefore

Resolved, by the Senate and House of Representatives, That the Sergeant-at-Arms be directed to place the said Portrait in the Senate Chamber, and that the Auditor of Accounts be directed to audit and allow the expenses of the Sergeant-at Arms for so doing.

And it was read and passed.

(S. 7.) Mr. Cushman introduced a bill entitled "An act in addition to the acts relating to Common Schools."

And it was read twice and referred to the Committee on Education.

(S. 8.) Mr. Cram introduced a bill entitled "An act in amendment of Section 63, Chapter 28, of the Revised Statutes."

And it was read twice and referred to the Committee on the Judiciary.

(S. 9.) Mr. Foster introduced a bill entitled "An act to amend Chapter 24 of the Revised Statutes." And

(S. 10.) A bill entitled "An act to amend an act in addition of Chapter 41 of the Revised Statutes."

And they were severally read twice and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. PRESIDENT :—The House of Representatives have passed a resolution providing for a Joint Assembly to elect a Secretary of State, an Auditor in the Treasury Department, and a Sergeant-at-Arms, for the year ensuing, in which they request the concurrence of the Senate.

The said resolution from the House providing for a Joint Assembly of the two Houses on Wednesday next at 10 o'clock A. M. to elect a Secretary of State, Auditor in the Treasury Department, and Sergeant-at-Arms, was read, and passed in concurrence.

(S. 11.) Mr. Harrington introduced a bill entitled "An act in addition to Chapter 26 of the Revised Statutes."

And it was read twice and referred to the Committee on the Judiciary.

Mr. Burton presented the petition of F. L. & E. W. Olds and others, praying for an increase of the amount legally chargeable for licenses to peddlers, and for additional penalties for selling without license.

And it was read and referred to the Committee on Finance.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows :

Mr. PRESIDENT :—I am directed by the Governor to transmit to the Senate, for the use of the General Assembly, sundry resolutions of the Legislature of Georgia and a communication from the Assistant Librarian of Harvard University.

The said document, to wit, a communication from the Assistant Librarian of Harvard University; requesting such action of the Legislature of this State as should place in the Library of Harvard College sundry documents pertaining to, and illustrating, the History of Vermont; and resolutions of the Legislature of Georgia relating to the expulsion of an Agent of the State of Massachusetts from South Carolina and Louisiana; also relating to an amendment of the Constitution of the United States in respect to the existing system of slave representation; were

severally read and referred to the Committee under the 5th Joint Rule.

On motion of Mr. Cram,
The Senate adjourned.

AFTERNOON.

On motion of Mr. Foster,

Resolved, That so much of the Governor's Message as relates to the subject of slavery, be referred to a select committee of five Senators.

The President announced the appointment of Messrs. Foster, Vilas, Harrington, Cushman, and Fox, to constitute said Committee.

Mr. Hodges from the Committee on Rules, reported the following resolution:

Resolved, That the Rules of the Senate of the last session be adopted as the Rules of the present session, as follows:

1. The credentials of Senators shall be presented to the Secretary or Assistant Secretary, previous to nine o'clock in the morning of the second Thursday of October, at which time the Senate shall be called to order. The names of the Senators shall be called over, and when a quorum shall have taken their seats, they shall, having first taken the necessary oaths, on nomination of the President, appoint a canvassing committee, consisting of one Senator from each county, to join such committee as the House of Representatives may appoint, whose duty shall be to receive, sort, and count, the votes for Governor, Lieutenant Governor, and Treasurer, and make report thereof to the Joint Assembly of both Houses.

2. The Senate shall meet every day (Sundays excepted) at nine o'clock in the morning, and two o'clock in the afternoon, unless otherwise specially ordered.

3. The President having taken the Chair, and a quorum being present, the journal of the preceding day shall be read, and all errors therein corrected.

4. In case no quorum shall assemble within fifteen minutes after the time to which the Senate was adjourned, those present shall have power to send the Sergeant-at-Arms, or other officer, after the absentees, and compel their attendance.

5. Whenever the Senate shall assemble, according to adjournment, or at the commencement of a session, and the President shall be absent, it shall be the duty of the Secretary, if present, if not, of a Senator, to call to order; and the Senators present, if a quorum, shall, by ballot, elect a President pro tempore.

6. No Senator shall be absent without leave, unless he is sick, or otherwise necessarily detained.

7. No Senator shall audibly speak to another, or otherwise interrupt the business of the Senate, while the journals or other public papers are being read, or while a Senator is orderly speaking in debate.

8. Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished shall sit down.

9. No member shall speak more than twice on the same question, without leave of the Senate; and Senators who have once spoken shall not again be entitled to the floor, (except for the purpose of explanation,) to the exclusion of another who has not spoken.

10. In all cases, the Senator first arising and addressing the President, (subject to the restriction of rule 9,) shall be entitled to the floor, and when two or more arise at the same time, the President shall name the one who is to speak.

11. When a Senator shall be called to order, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

12. If a Senator be called to order for the words spoken, the exceptionable words shall be immediately taken down in writing by the Senator calling to order, that the President may be better enabled to judge of the matter.

13. The first hour of each morning's sitting may be devoted to the reception and disposal of petitions, memorials, remonstrances, motions, resolutions, and the introduction of bills; after which, the orders of the day, or other proper business, shall be announced, always commencing with the unfinished business of the last sitting. The first hour of the afternoon's sitting may be occupied in the receiving and disposing of reports of committees, and in completing the business of the morning hour; at the expiration of which, the Senate will again take up the orders of the day.

14. Reports of committees may be signed by any member in behalf of the committee, and shall be by him presented to the Senate, when a call for reports is made. The signer of each report shall be held responsible for the accuracy of its statements and the propriety of its language, and when the same shall be under consideration, he shall be further liable to give additional statement of facts, or other explanations, in answer to the call of any Senator.

15. The proceedings of the Senate, except when acting as in Committee of the Whole, embracing the titles of bills and such parts thereof as may be affected by proposed amendments, and also the names of Senators, and the votes which they give on every question decided by yeas and nays, shall be by the Secretary accurately and concisely inserted in the journals.

16. The Senate shall, annually, within the first four days of actual sitting, elect by ballot, (and a majority of all present shall be necessary to a choice,) a Secretary, and an Assistant Secretary, who shall be *ex officio* Engrossing Clerk, who shall be severally sworn to the faithful discharge of their duties, and shall hold said offices until superseded by a new election. The Senate shall also, within the same time, elect the following Standing Committees, to consist of three members each, to wit: On Finance,—on the Judiciary,—on Claims,—on Education,—on Agriculture,—on Manufactures,—on Elections,—on Military Affairs,—on Roads,—on Banks, and on Land Taxes.

17. In the appointment of Standing Committees, (except the one mentioned in rule 1,) the Senate will proceed by ballot, severally to appoint the chairman of each, and then by one ballot, the other members necessary to complete the same. In the election of a chairman, a ma-

jority of the votes given shall be necessary, but for the others a plurality shall be sufficient. All select committees shall be appointed by the President, unless otherwise ordered by the Senate.

18. All bills, after the second reading, and all petitions, memorials, remonstrances, resolutions, and other papers calling for legislative action, (except such as have been reported by a committee,) no objection being made, shall be referred by the President to appropriate committees.

19. Before any resolution, any petition, or other paper addressed to the Senate, shall be received and read, whether the same shall be introduced by the President or a Senator, the title shall be fairly endorsed thereon; and a brief statement of its object or contents shall be made by the introducer.

20. Every motion shall be reduced to writing by the mover, if required thereto by the President or a Senator, and a motion to lay another motion, the latter not being in writing, on the table, or otherwise to dispose of it, shall not be in order.

21. Every bill shall receive three readings before it is passed; the President shall give notice at each reading whether it be the first, second, or third; the last of which readings of public bills shall be at least twenty-four hours after the first reading, unless the Senate unanimously direct otherwise. *Provided*, That private bills shall be read the second time by their title. Resolutions requiring the approbation and signature of the Governor, shall be treated in all respects as bills.

22. On the demand of a Senator, public bills, after a second reading, shall be considered by the Senate as in committee of the whole.

23. The final question, upon the second reading of every bill which originated in the Senate, shall be "Shall this bill be engrossed and read the third time?" No amendment shall be received at the third reading, but it may be committed for amendment at any time before its final passage.

24. Motions on bills and resolutions shall be sustained in the following order: 1. To postpone indefinitely. 2. To lay upon the table. 3. To commit. 4. To amend.

25. A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, and shall be decided without debate.

26. If the question in debate contain several points, the same shall be divided on the demand of a Senator. A motion to strike out and insert shall not be divided, but the rejection of a motion to strike out and insert one proposition shall not preclude a motion to strike out and insert a different one, or a motion simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent one to strike out and insert.

27. In filling blanks, the largest sum and the longest time shall be first in order.

28. When the reading of a paper is called for, and the same is objected to by a Senator, the question shall be determined by a vote of the Senate.

29. The yeas and nays shall be taken, on the call of a Senator, and every Senator present shall vote, unless excused by the Senate; but no Senator shall be compelled to vote, who was absent when the question was stated by the President, nor shall any one be permitted to vote, who was absent when his name was called, nor after the decision of the question has been announced from the chair.

30. No Senator in the minority, nor one who did not vote on the decision of a question shall have a right to move a reconsideration thereof; nor shall any motion for reconsideration be in order, unless made before the close of the next day of actual sitting of the Senate after that in which the vote was taken, and before the bill, resolution, report, amendment, address, or motion, upon which the vote was taken, shall, in the regular progress of business, have gone out of the possession of the Senate.

31. On all questions, in the decision of which a simple majority is required, when the Senate is equally divided, the Secretary shall take the casting vote of the President. In all such cases, a motion for reconsideration, if made in time, shall be in order from any Senator who voted on the question.

32. The President shall have the right to call upon any Senator to discharge the duties of the chair, whenever he shall find it necessary, temporarily, to retire; but such substitution shall not extend beyond more than one adjournment.

33. The Senate, having taken a final vote on any question, the same shall not again be in order during the same session, in any form whatever, except by way of reconsideration; and when a motion for reconsideration has been decided, that decision shall not be reconsidered.

34. No proposition to amend the rules of the Senate or the joint rules of both Houses, shall be acted on until the same shall have been before the Senate at least twenty-four hours.

35. Messages shall be sent to the House of Representatives by the Secretary or Assistant Secretary.

36. Reporters may be placed on the floor of the Senate, under the direction of the Secretary, with the approbation of the President.

37. No person shall be admitted within the lobby of the Senate chamber, except the Governor, Treasurer of the State, Auditor of Accounts, members of the other House, Judges of the Supreme Court, Senators and Representatives in Congress, Ex-Governors and Lieutenant Governors, Ex-Judges of the Supreme Court, Ex-Senators and Representatives in Congress, Ex-Senators of the State Senate, District Judge and Attorney of the United States, members of other State Legislatures, and such gentlemen and ladies as the President or a Senator may introduce.

38. When in session, the Senators shall sit with their heads uncovered.

39. Upon any disorderly conduct in the gallery, the President may order the same to be cleared.

40. Whenever a bill or resolution is laid on the table, by order of the Senate, and shall have remained on the table twenty-four hours, it shall be subject to be taken up by the chair, and presented for the consideration of the Senate, without a call or order on the subject.

41. There shall be one door-keeper and one assistant door-keeper of the Senate; and the President may employ a boy to attend in the Senate Chamber.

And the resolution was read and passed, and the Rules adopted as above.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

Mr. PRESIDENT :—The House of Representatives concur with the Senate in passing the resolution relative to the full-length portrait of Chief Justice Williams presented to the State by the Bar of Rutland County.

(S. 4.) Mr. Foster, from the Committee on the Judiciary to whom had been referred the bill entitled "An act in addition to Chapter 11 of the Revised Statutes, entitled 'Of County officers,'" reported the same, with the opinion of the Committee that it ought not to pass.

And on motion of Mr. Howe, said bill was

Ordered, To lie upon the table.

On motion of Mr. Harrington,
The Senate adjourned.

WEDNESDAY, OCTOBER 14, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

On motion of Mr. Birchard,

Resolved, That so much of the Governor's message as relates to a system of Protective Policy, for the benefit and protection of Home Industry, and to the overthrow of that system of Policy by the action of the National Government, be referred to a select Committee of three Senators.

Mr. Page presented the petition of Geo. Sleeper and 50 others, praying for an act incorporating Corinth Academical Institution and County Grammar School.

And it was read and referred to the Committee on Education.

Mr. Burton presented the following resolution ; which was read and passed :

Resolved, That the Committee on Military Affairs be instructed to inquire whether any, and if any, what alterations ought to be made in the existing laws in relation to the Militia.

Mr. Kimball presented the petition of P. R. Chandler and others, praying for an alteration in the existing laws respecting licenses to peddlers ;

Mr. Cram presented a like petition from Geo. R. Chapman and 47 others ;

And the said petitions were severally referred to the Committee on Finance.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—I am directed to transmit to the Senate a communication from Thos. F. Hammond, Esq., the Commissioner appointed to ascertain the boundary line between the Counties of Bennington and Windham: the House of Representatives have passed a resolution in relation to the subject matter of said communication, in which they request the concurrence of the Senate.

The House of Representatives have appointed as the Committee on their part, under the provisions of Chapter 7 of the Revised Statutes in relation to the State Library, Messrs. Tyler, Jones of Chelsea, and Miles.

The communication from Thos. F. Hammond, setting forth that illness had prevented his execution of the commission bestowed upon him, in season to report to the present session of the General Assembly, and asking an extension of the time within which such report might be made, was thereupon read.

The resolution from the House of Representatives extending the time for ascertaining the boundary line between the Counties of Bennington and Windham for the period of eleven months, and requiring the Commissioner to report thereon to the session of the General Assembly of 1847, was read and passed in concurrence.

(S. 12.) Mr. Cushman introduced a bill entitled "An act in alteration of the act in relation to the Grand List, approved Nov. 14, 1842."

And it was read twice and referred to the Committee on Agriculture.

(S. 13.) Mr. Harrington introduced a bill entitled "An act relating to costs in civil actions."

And it was read twice and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives have on their part adopted the Joint Rules reported by the Joint Committee of the two Houses.

The House have appointed as the Committee on their part under the 5th Joint Rule, Messrs. Fairbanks, Thomas and Royce; and on the Committee on Bills, Messrs. Coleman and Foot.

The hour provided for a Joint Assembly of the two Houses to elect a Secretary of State, an Auditor in the Treasury Department, and a Sergeant-at-Arms for the year ensuing, having arrived, the Senate repaired to the Hall of the House of Representatives:

And, having returned therefrom,

(S. 14.) Mr. Brownell introduced a bill entitled "An act in amendment of Chapter 18 of the Revised Statutes."

And it was read twice and referred to the Committee on Education.

On motion of Mr. Foster,
The Senate adjourned.

AFTERNOON.

The President announced the appointment of Messrs. Hodges and Morse, as the Committee on the part of the Senate, on the State Library ; and of Messrs. Birchard, Vilas and Cushman, as the select Committee ordered to be raised on so much of the Governor's message as relates to the Protective Policy.

(S. 6.) Mr. Howe from the Committee on Agriculture, to whom was referred the bill entitled " An act relating to the destruction of sheep by dogs," reported the same without amendment, and with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :--The House of Representatives have passed a resolution providing for a Joint Assembly to elect three Directors, a Chaplain, and Superintendent, of the State Prison, and a Commissioner of the Insane.

They have also passed bills of the following titles :--

(H. 7.) " An act in alteration of Chapter 29 of the Revised Statutes, entitled ' Of proceedings against Trustees ;' "

(H. 9.) " An act in alteration of Chapter 29 of the Revised Statutes, entitled ' Of proceedings against Trustees ;' "

(H. 10.) " An act in addition to an act entitled ' An act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company' passed Nov. 10, 1835 ;" and

(H. 23.) " An act restoring John Messer to his legal privileges."

The said bills from the House of Representatives (Nos. 7, 9, 10, and 23,) were severally read the first and second times, and referred to the Committee on the Judiciary.

The resolution from the House of Representatives, providing for a Joint Assembly on Friday next at 3 o'clock P. M. to elect three Directors, a Chaplain, and Superintendent, of the State Prison, and a Commissioner of the Insane, was read and passed in concurrence.

(S. 7.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the bill entitled " An act in addition to the acts relating to Common Schools," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be engrossed and read the third time.

On motion of Mr. Harrington,
The Senate adjourned.

THURSDAY, OCTOBER 15, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Vilas, on his own motion, was excused from service on the select Committee on so much of the Governor's message as relates to the subject of the Protective Policy.

(S. 15.) Mr. Howe introduced a bill entitled "An act in addition to Chapter 77 of the Revised Statutes."

And it was read twice and referred to the Committee on Finance.

Mr. Bradley presented the following resolution :

Resolved, by the Senate and House of Representatives, That the Auditor of Accounts furnish each of the Banks in this State with a copy of his Annual Report for the year 1846.

And it was read and passed.

Mr. Hodges presented the following resolution :

Resolved, by the Senate and House of Representatives, That the Governor be authorized and requested to appoint a Committee of three suitable persons, to digest and prepare such a Judiciary System, or such a modification of the present system, as is best adapted to secure a speedy, just, and economical administration of the laws, to frame an act accordingly, and publish it, with such explanations as they may deem advisable, in season to give opportunity for a general and full consideration of the same, and to report to the next session of the General Assembly.

And it was read, and on motion of Mr. Vilas,

Ordered, To lie upon the table.

Mr. Vilas presented the following resolution :

Resolved, That the Committee on the Judiciary be instructed to inquire what remedy is expedient to obviate the evils of our present Judiciary System.

And it was read and passed.

The hour to which the Joint Assembly to elect County Officers was adjourned having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

(S. 16.) Mr. Bradley introduced a bill entitled "An act extending the charter of the President, Directors, and Company of the Bank of Burlington."

And it was read twice and referred to the Committee on Banks.

(S. 10.) The engrossed bill entitled "An act to amend an act in addition to Chapter 41 of the Revised Statutes," was read the third time and passed.

(S. 6.) The engrossed bill entitled "An act relating to the destruc-

tion of sheep by dogs," was read the third time, and, on motion of Mr. Smith,

Ordered, To be postponed indefinitely.

On motion of Mr. Bell, it was

Ordered, That when the Senate adjourns, it will adjourn till to-morrow morning.

(S. 8.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in amendment of Section 63, Chapter 28, of the Revised Statutes," reported the same without amendment, and with the opinion of the Committee that it ought not to pass.

And, on motion of Mr. Hodges, the said bill was recommitted to the Committee on the Judiciary.

(H. 10.) Mr. Burton, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in addition to an act entitled 'An act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company,' passed Nov. 10, 1835," reported the same without amendment, and with the opinion of the Committee that it ought to pass.

And, on motion of Mr. Foster, it was

Ordered, To lie upon the table.

(S. 17.) Mr. Bradley introduced a bill entitled "An act extending the charter of the Farmers' and Mechanics' Bank."

And it was read twice and referred to the Committee on Banks.

On motion of Mr. Fox,

The Senate adjourned.

FRIDAY, OCTOBER 16, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President announced the appointment of Mr. Smith as one of the Select Committee on so much of the Governor's message as relates to the Protective Policy, to take the place of Mr. Vilas, who was excused from service thereon.

(S. 18.) Mr. Cushman introduced a bill entitled "An act in addition to Chapter 11 of the Revised Statutes."

And it was read twice and referred to the Committee on the Judiciary.

(S. 19.) Mr. Smith introduced a bill entitled "An act in construction of an act in addition to Chapter 29 of the Revised Statutes."

And it was read twice and referred to the Committee on the Judiciary.

(S. 20.) Mr. Chittenden introduced a bill entitled "An act to incorporate the Bank of Brandon."

And it was read twice and referred to the Committee on Banks.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. President :—The House of Representatives have passed bills of the following titles, namely :

(H. 6.) "An act to incorporate the Chittenden County Infirmary ;"

(H. 21.) "An act constituting Adelia Sophia Barber heir at law of Ephraim and Sally Griswold ;" and

(H. 42.) "An act altering the name of Charles Alfred Hills ;" in which bills they request the concurrence of the Senate.

The said bills from the House of Representatives, were severally read the first and second times, and referred as follows :

(H. 6.) House bill No. 6, to the Committee on Education ;

(H. 21.) House bill No. 21, and

(H. 42.) House bill No. 42, to the Committee on the Judiciary.

(S. 21.) Mr. Harrington introduced a bill entitled "An act in addition to Chapter 26 of the Revised Statutes, entitled 'Of Justices of the Peace.'"

And it was read twice and referred to the Committee on the Judiciary.

(S. 22.) Mr. Rich introduced a bill entitled "An act allowing an appeal to be taken in certain cases before Justices of the Peace."

And it was read twice and referred to the Committee on the Judiciary.

Mr. Burton presented the petition of Ira Davis and 13 others, praying for a law more effectually to secure the faithful performance of their duties by Overseers of the Poor.

And it was read and referred to the Committee on the Judiciary.

(S. 23.) Mr. Smith introduced a bill entitled "An act in addition to Chapter 81 of the Revised Statutes, in relation to Religious and other Societies."

And it was read twice and referred to the Committee on the Judiciary.

(S. 24.) Mr. Bradley introduced a bill entitled "An act in relation to the collection of Taxes."

And it was read twice and referred to the Committee on the Judiciary.

(S. 25.) Mr. Smith introduced a bill entitled "An act directing the Treasurer to credit John Spalding the sum therein mentioned."

And it was read twice and referred to the Committee on Claims.

(S. 26.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the subject of the existing evils of the Judiciary System of the State, reported a bill entitled "An act relating to the Judiciary."

And it was read twice, and, on motion of Mr. Kimball,

Ordered, To lie upon the table.

(S. 9.) Mr. Burton, from the Committee on the Judiciary, to whom was referred the bill entitled "An act to amend Chapter 24 of the Revised Statutes," reported the same without amendment, and with the opinion of the Committee that it ought to pass.

Mr. Smith moved to amend said bill by striking out the third section thereof, which is as follows :

"Sec. 3. *The damages mentioned in the preceding sections shall in no case be less than 12 per cent., to be computed upon the amount of the judgment on such actions.*"

And it was so ordered.

And, thus amended, the bill was

Ordered, To be engrossed and read the third time.

On motion of Mr. Fox,
The Senate adjourned.

AFTERNOON.

(S. 16.) Mr. Bradley, from the Committee on Banks, to whom was referred the bill entitled "An act extending the charter of the President, Directors, and Company of the Bank of Burlington," reported the same with the proposal to amend, by adding thereto three additional sections, to wit, sections 6, 7, and 8, and that when thus amended, the bill ought to pass.

And the question being taken, the amendment was adopted.

And the bill, as amended, was

Ordered, To be engrossed and read the third time.

The following communication was received from the Governor by the hands of Mr. Billings, Secretary of Civil and Military Affairs :

To the Senate :

I have the honor to transmit herewith to the Senate, for the consideration of the General Assembly, a communication from the Hon. Charles Paine, offering as a donation to the State, a Bust of the late Judge Paine.

HORACE EATON.

EXECUTIVE CHAMBER, }
October 16, 1846. }

The accompanying communication from the Hon. Charles Paine, was thereupon read, as follows :

NORTHFIELD, Oct. 12, 1846.

SIR :—I desire to present for the acceptance of the State, a Bust of my father, the late Judge Paine, executed in marble by Brown, an artist of fine promise, and an associate and friend of Powers.

I venture to suggest this disposition of the Bust, not because I am disposed to attach extraordinary importance to any services Judge Paine has rendered the State, but because he was somewhat largely identified with its earlier history, and was honored as one of its first Representatives in the National Legislature.

The likeness, it may be proper to add, is very exact ; and the Bust,

as a work of Art alone, is worthy of a place in the Capitol of the native State of the most accomplished living Sculptor.

I am, sir, with great respect,

Your ob't serv't.

CHAS. PAINE.

To His Ex'y HORACE EATON,
Governor of Vermont.

And the said communications, on motion of Mr. Hodges, were
Ordered, To lie upon the table.

(H. 7.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in alteration of Chapter 29 of the Revised Statutes, entitled 'Of proceedings against Trustees,'" reported the same, with the opinion of the Committee that it ought not to pass.

And it was

Ordered, To be read the third time.

And it was read the third time, and,

On motion of Mr. Smith,

Ordered, To lie upon the table.

Mr. Harrington called up the resolution on the table, and which is spread upon the Journal of the 12th instant, requesting the Secretary of State to furnish a tabular statement of certain expenses of the State Prison.

And it was passed.

(S. 4.) The Senate took up the bill on the table entitled "An act in addition to Chapter 11 of the Revised Statutes, entitled 'Of County Officers.'"

And, on motion of Mr. Howe, said bill was

Ordered, To be indefinitely postponed.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives concur with the Senate in passing the resolution directing the Auditor of Accounts to furnish his Annual Report for 1846 to each of the Banks in the State.

And the House have passed bills of the following titles, namely :

(H. 8.) "An act relating to suits upon official bonds;"

(H. 52.) "An act confirming the title to Parker's Gore;" and

(H. 30.) "An act to restore Jeremiah Carr to his legal privileges."

In which bills they request the concurrence of the Senate.

On motion of Mr. Foster,

(H. 10.) The Senate took up the House bill on the table entitled "An act in addition to an act entitled 'An act to incorporate the Connecticut and Passumpsic Rivers Railroad Company,' passed Nov. 10, 1835."

Before the question was taken thereon, the hour provided for a Joint Assembly to elect a Superintendent, three Directors, and a Chaplain, of the State Prison, and a Commissioner of the Insane, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

Mr. Bradley presented the following resolutions :

Whereas, the Governor has announced that the Hon. Charles Paine has presented to the State a Marble Bust of the late Hon. Elijah Paine, for many years the United States District Judge for the District of Vermont ;

Therefore, Resolved, by the Senate and House of Representatives, That the thanks of the two Houses be returned to Ex-Governor Paine for the said Bust, and that the Sergeant-at-Arms be directed to receive and place it in the Senate Chamber.

Resolved, That the Governor be requested to communicate a copy of these resolutions to Ex-Governor Paine.

And the resolutions were read and passed.

(H. 10.) The Senate resumed consideration of the bill entitled " An act in addition to an act entitled ' An act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company,' passed Nov. 10, 1835."

Mr. Harrington moved to lay the bill upon the table.

And the question being taken, it was decided in the negative.

So the Senate refused to lay the bill upon the table.

And pending the question; Shall the bill be read the third time?

On motion of Mr. Kimball,
The Senate adjourned.

SATURDAY, OCTOBER 17, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 27.) Mr. Smith introduced a bill entitled " An act in alteration of ' An act relating to public accounts.' "

And it was read twice and referred to the Committee on Finance.

(S. 28.) Mr. Harrington introduced a bill entitled " An act to establish the Grand Isle County Fire Insurance Company."

And it was read twice, and

On motion of Mr. Harrington,

Ordered, To be referred to a Select Committee of three Senators.

The President appointed Messrs. Harrington, Burton, and Kimball, as such Committee.

The following bills from the House of Representatives were severally read the first and second times, and referred to the Committee on the Judiciary, to wit :

(H. 8.) House bill No. 8 ;

(H. 52.) House bill No. 52 ; and

(H. 30.) House bill No. 30.

(H. 10.) The Senate resumed consideration of the House bill entitled "An act in addition to an act entitled 'An act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company,' passed Nov. 10, 1835;" which bill was pending on the adjournment of the Senate, yesterday.

Mr. Miner moved to amend said bill by adding thereto a section as follows:

"Sec. 2. *Any future Legislature may alter or amend this act as the public good may require.*"

And the question being, Will the Senate so amend?

It was decided in the affirmative: { Yeas 14.
Nays 13.

The yeas and nays, being demanded by Mr. Foster, were as follows:

Those Senators who voted in the affirmative are Messrs. Bellows, Birchard, Clapp, Fifield, Foster, Fox, Harrington, Hilton, Miner, Morse, Page, Robinson, Smith, and Vilas.

Those Senators who voted in the negative are Messrs. Bell, Bemis, Bradley, Burton, Chittenden, Cram, Cushman, Hibbard, Kimball, Nash, Onion, Rich, and Simonds.

So the amendment was adopted.

The question then being, Shall the bill be read the third time?

It was decided in the affirmative: { Yeas 28.
Nays 00.

The yeas and nays, being demanded by Mr. Fifield, were as follows:

Those Senators who voted in the affirmative are Messrs. Bell, Bellows, Bemis, Birchard, Bradley, Burton, Chittenden, Clapp, Cram, Cushman, Fifield, Foster, Fox, Harrington, Hibbard, Hilton, Howe, Kimball, Miner, Morse, Nash, Onion, Page, Rich, Robinson, Simonds, Smith, and Vilas.

And, no Senator voting in the negative, the bill was unanimously

Ordered, To be read the third time.

And it was, thereupon, read the third time and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

Mr. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution relative to the reception and disposition of the Marble Bust of the Honorable Elijah Paine.

The House have passed a resolution relating to the compensation of Volunteers for services rendered during the last war with Great Britain. And bills of the following titles:

(H. 11.) "An act to incorporate the Windham Provident Institution for Savings;" and

(H. 17.) "An act in relation to Divorce."

In which resolution and bills they request the concurrence of the Senate.

(S. 9.) The engrossed bill entitled "An act to amend Chapter 24 of the Revised Statutes," was read the third time and passed.

On motion of Mr. Vilas,

(S. 26.) The Senate took up the bill on the table entitled "An act relating to the Judiciary."

And it was

Ordered, To be engrossed and read the third time.

(S. 1.) Mr. Bradley, from the Committee on Banks, to whom was referred the bill entitled "An act extending the Charter of the Farmers' Bank," reported the same with the proposal to amend, as follows:

Strike out Section 8, and insert as a substitute therefor, the following:

"Section 8. *The amount of the shares of said Bank shall be thirty dollars each, and there shall be added to the number of shares of said Bank, thirteen hundred and thirty-three shares, making the whole number of shares three thousand three hundred and thirty-three, and the whole amount of the capital stock of said Bank, one hundred thousand dollars;*" also,

In Section 9. Strike out the words "five hundred" wherever they occur, and insert in lieu thereof, the words "*thirteen hundred and thirty-three;*" also,

In Section 10. Strike out the words "five hundred" wherever they occur, and insert in lieu thereof, the words "*thirteen hundred and thirty-three;*" also,

In Section 12. Strike out the word "thirty," and insert in lieu thereof, "*twenty;*" and add to the section the words "*preference always to be given to citizens of Vermont.*"

And thus amended, the Committee recommended the passage of the bill.

And the question being taken, the amendments were adopted.

And the bill, as amended, was

Ordered, To be engrossed and read the third time.

(S. 16.) The engrossed bill entitled "An act extending the Charter of the President, Directors, and Company of the Bank of Burlington," was read the third time, and

On motion of Mr. Bradley,

Ordered, To lie upon the table, and be made the special order for this afternoon at 2 o'clock.

(H. 7.) The Senate took up the House bill on the table, entitled "An act in alteration of Chapter 29 of the Revised Statutes, entitled 'Of proceedings against Trustees.'"

And the question being, Shall the bill pass?

It was decided in the negative.

So the passage of the bill was refused.

(S. 29.) Mr. Smith introduced a bill entitled "An act relating to the assessment of damages."

And it was read the first and second times, and referred to the Committee on the Judiciary.

The resolution from the House of Representatives, requesting the Senators and Representatives of this State in Congress "to use their influence to procure the passage of an act to compensate those who volunteered in the service of their country during the last war with Great Britain," was read, and,

On motion of Mr. Vilas,

Referred to the Committee on Military Affairs.

On motion of Mr. Foster, it was

Ordered, That when the Senate adjourns, it will adjourn to meet on Monday morning next.

The President laid before the Senate the following communication from the Secretary of State. [See Appendix, B.]

On motion of Mr. Burton,
The Senate adjourned.

MONDAY, OCTOBER 19, 1846.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

Mr. Rich presented the petition of Asa Chapman and 21 others, praying for a reduction of the capital stock of the Bank of Middlebury.

And it was read, and referred to the Committee on Banks.

The following bills from the House of Representatives, were severally read the first and second times, and referred as follows :

(H. 11.) House bill No. 11, to the Committee on Banks ; and

(H. 17.) House bill No. 17, to the Committee on the Judiciary.

(S. 30.) Mr. Hodges introduced a bill entitled " An act altering the name of Franklin Wilkins."

And it was read twice and referred to the Committee on the Judiciary.

(S. 25.) Mr. Hodges, from the Committee on Claims, to whom was referred the bill entitled " An act directing the Treasurer to credit John Spalding the sum therein mentioned ;" reported the same without amendment, with the opinion of the Committee that it ought to pass.

And it was thereupon

Ordered, To be engrossed and read the third time.

(S. 1.) The engrossed bill entitled " An act extending the Charter of the Farmers' Bank," was read the third time, and,

On motion of Mr. Foster,

Ordered, To lie upon the table.

(S. 24.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the bill entitled " An act in relation to the collection of taxes," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be engrossed and read the third time.

(S. 16.) The engrossed bill on the table, being the special order, entitled " An act extending the Charter of the President, Directors, and Company, of the Bank of Burlington," was taken up and passed.

(S. 26.) The engrossed bill entitled "An act relating to the Judiciary," was read the third time, and

On motion of Mr. Foster,

Ordered, To lie upon the table.

Mr. Fox presented the following resolution :

Resolved, by the Senate and House of Representatives, That the General Assembly adjourn without day on Monday next.

And it was read, and,

On motion of Mr. Cushman,

Ordered, To lie upon the table.

(S. 31.) Mr. Smith introduced a bill entitled "An act in addition to an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company."

And it was read twice, and,

On motion of Mr. Smith,

Ordered, To lie upon the table.

A message from the House of Representatives, by Mr. Merrill their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have passed a resolution providing for a Joint Assembly on Wednesday next, to elect a State Superintendent of Common Schools ; and a resolution providing for a Joint Assembly on Tuesday next, to elect a Brigadier General in the Ninth Brigade of the Militia of this State ; and bills of the following titles :

(H. 27.) "An act to repeal an act entitled 'An act to repeal the laws giving a bounty on the destruction of bears, wolves, and panthers,' approved Nov. 6, 1845 ;" and

(H. 36.) "An act to restore Myron Shaw to his legal privileges." In which resolutions and bills, they request the concurrence of the Senate.

The resolution from the House of Representatives providing for a Joint Assembly on Wednesday next at 10 o'clock A. M., to elect a State Superintendent of Common Schools for the year ensuing, was read and passed in concurrence.

The following bills from the House of Representatives, were severally read the first and second times, and referred as follows :

(H. 27.) House bill No. 27, to the Committee on Agriculture ;

(H. 36.) House bill No. 36, to the Committee on the Judiciary.

The resolution from the House of Representatives, providing for a Joint Assembly on Tuesday next at 10 o'clock A. M., to elect a Brigadier General of the Ninth Brigade of the Militia of this State, was read and passed in concurrence.

(H. 33.) Mr. Burton, from the Committee on the Judiciary, to whom was referred the House Bill entitled "An act restoring John Messer to his legal privileges," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was, thereupon, read the third time and passed in concurrence.

(S. 27.) Mr. Smith, from the Committee on Finance, to whom was referred the bill entitled "An act in alteration of an act relating to Public Accounts," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be engrossed and read the third time.

(S. 31.) Mr. Smith called up the bill on the table, entitled "An act in addition to an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company."

And, on his motion, it was

Ordered, To be engrossed and read the third time.

And the said bill, duly engrossed, was thereupon read the third time and passed.

On motion of Mr. Fox,
The Senate adjourned.

AFTERNOON.

(S. 12.) Mr. Howe, from the Committee on Agriculture, to whom was referred the bill entitled "An act in alteration of the act relating to the Grand List, approved Nov. 14, 1842," reported the same without amendment, and with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be engrossed and read the third time.

The following engrossed bills were severally read the third time, and passed, to wit:

(S. 25.) "An act directing the State Treasurer to credit John Spalding the sum therein mentioned;"

(S. 24.) "An act in relation to the collection of Taxes;" and

(S. 27.) "An act in alteration of 'An act relating to Public Accounts.'"

The following communication was received from the Governor, by the hands of Mr. Billings, Secretary of Civil and Military Affairs:

To the Senate:

I have the honor to inform the Senate that Ebenezer Bass declines to accept the office of High Bailiff, for the County of Orange, to which he has been elected by the Joint Assembly, for the ensuing political year.

HORACE EATON.

EXECUTIVE CHAMBER, }
October 19, 1846. }

And on motion of Mr. Simonds, said communication was referred to a Select Committee to consist of the Senators from the County of Orange.

(H. 27.) Mr. Howe, from the Committee on Agriculture, to whom was referred the House bill entitled "An act to repeal an act entitled 'An act to repeal the laws giving a bounty on the destruction of bears, wolves, and panthers,' approved Nov. 6, 1845," reported the same, with the opinion of the Committee that it ought not to pass.

And, on motion of Mr. Simonds, said bill was

Ordered, To lie upon the table, and be made the special order for to-morrow morning.

On motion of Mr. Vilas,

(S. 26.) The Senate took up the engrossed bill on the table entitled "An act relating to the Judiciary."

And, on his motion, the said bill was

Ordered, To be re-committed to to the Committee on the Judiciary.

The hour to which the Joint Assembly for the election of a Superintendent, three Directors, and a Chaplain, of the State Prison, and a Commissioner of the Insane, was adjourned, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

(S. 32.) Mr. Robinson introduced a bill entitled "An act in addition to Chapter 16 of the Revised Statutes."

And it was read the first and second times, and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. PRESIDENT :—The House of Representatives concur with the Senate in passing the bill (S. 31.) entitled "An act in addition to an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company."

(S. 33.) Mr. Smith, from the Committee on Finance, to whom was referred so much of the Governor's message as relates to the system of Public Accounts, reported a bill entitled "An act to improve the management of State Finances."

And said bill was read the first and second times ; and, on motion, the Senate proceeded to consider the same as in Committee of the Whole.

And having made progress therein, reported the same to the Senate without amendment ; and

On motion of Mr. Smith, it was

Ordered, To lie upon the table.

(S. 12.) The engrossed bill entitled "An act in alteration of the act relating to the Grand List, approved Nov. 14, 1842," was read the third time.

And the question being, Shall the bill pass?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 9.} \\ \text{Nays 18.} \end{array} \right.$

The yeas and nays were demanded by Mr. Cushman.

Mr. Birchard asked to be excused from voting thereon ; and, on motion of Mr. Vilas, the Senator was excused.

The yeas and nays were as follows :

Those Senators who voted in the affirmative are Messrs. Bell, Bemis, Bradley, Brownell, Cushman, Hodges, Howe, Page, and Robinson.

Those Senators who voted in the negative are Messrs. Bellows, Burton, Chittenden, Clapp, Cram, Fifield, Foster, Fox, Harrington, Hubbard, Hilton, Kimball, Miner, Nash, Onion, Rich, Smith, and Vilas.

So the passage of the bill was refused.

On motion of Mr. Onion,
The Senate adjourned.

TUESDAY, OCTOBER 20, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The following communication was received from the Governor, by the hands of Mr. Billings, Secretary of Civil and Military Affairs:

To the Senate:

I have the honor to inform the Senate, that a vacancy has occurred in the office of Major General of the First Division of the Militia of this State, by the resignation and discharge of Major General Heman R. Smith.

HORACE EATON.

EXECUTIVE CHAMBER, }
October 20, 1846. }

Mr. Cushman presented the following resolution:

Resolved, by the Senate and House of Representatives, That both Houses meet in Joint Assembly, at 10 o'clock this morning, to elect a Major General in the First Division of the Militia of this State.

And it was read and passed.

(S. 34.) Mr. Vilas introduced a bill entitled "An act authorizing the Treasurer to pay Sylvanus Ripley the sum therein mentioned."

And it was read the first and second times, and referred to the Committee on Claims.

(S. 35.) Mr. Miner introduced a bill entitled "An act in addition to an act relating to the Grand List."

And it was read twice, and referred to the Committee on Education.

(S. 33.) Mr. Hodges called up the bill on the table entitled "An act to improve the management of State Finances."

And, on his motion, the said bill was

Ordered, To lie upon the table, and that the Secretary procure 300 copies to be printed for the use of the Senate.

(S. 26.) Mr. Foster, from the Committee on the Judiciary, to whom was re-committed for amendment, the bill entitled "An act relating to

the Judiciary," reported the same with certain proposals of amendment.

And, without taking the question thereon,

On motion of Mr. Onion, said bill was

Ordered, To lie upon the table, and be made the special order for this afternoon.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

Mr. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution providing for a Joint Assembly to elect a Major General in the First Division of the Militia of this State.

They do not concur in the amendment of the Senate to the bill (H. 10.) entitled "An act in addition to an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company, passed Nov. 10, 1835."

They have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 39.) "An act in relation to the accounts of Executors, Administrators, Trustees, and Guardians;"

(H. 51.) "An act to restore Peter Rosenbury to his legal privileges;" and

(H. 54.) "An act to incorporate the Burlington Hook and Ladder Company."

The hour provided for Joint Assemblies for the election of a Brigadier General of the Ninth Brigade, Third Division; and a Major General of the First Division of the Militia of this State, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

Mr. Vilas presented the following resolution:

Resolved, by the Senate and House of Representatives, That both Houses meet in Joint Assembly, on Wednesday, the 21st instant, at 4 o'clock P. M., to offer up thanks to Almighty God for the victory lately obtained at Monterey, in Mexico, by the American Army under the command of General Taylor, and that the Reverend Chaplain of the Senate be requested to address the Throne of Grace in prayer suited to the occasion.

And the resolution was read.

Mr. Kimball moved that it be laid upon the table.

And the question being taken,

It was decided in the affirmative: { Yeas 22,
Nays 7.

The yeas and nays, being demanded by Mr. Vilas, were as follows:

Those Senators who voted in the affirmative are Messrs. Bell, Bemis, Bellows, Bradley, Brownell, Benton, Chittenden, Clapp, Cram, Cushman, Foster, Fox, Hibbard, Hilton, Hodges, Hows, Kimball, Morse, Nash, Onion, Rich, and Simonds.

Those Senators who voted in the negative are Messrs. Fifield, Harrington, Miner, Page, Robinson, Smith, and Vilas.

So the resolution was laid upon the table.

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor for his approval and signature the following entitled bills, to wit:

(S. 31.) "An act in addition to an act to incorporate the Connecticut and Passumpsic Rivers Railroad Company;" and

(H. 23.) "An act restoring John Messer to his legal privileges."

A message from the Governor by Mr. Billings, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate that he has this day approved and signed a bill (S. 31.) entitled "An act in addition to an act to incorporate the Connecticut and Passumpsic Rivers Railroad Company."

On motion of Chittenden,

(S. 1.) The Senate took up the engrossed bill on the table entitled "An act extending the Charter of the Farmers' Bank."

And it was passed.

(H. 27.) The Senate took up the special order, being the House bill on the table entitled "An act to repeal an act entitled 'An act to repeal the laws giving a bounty on bears, wolves, and panthers,' approved Nov. 6, 1845."

And, on motion of Mr. Simonds, it was re-committed to the Committee on Agriculture.

(H. 10.) The Senate proceeded to consider their amendment to the House bill entitled "An act in addition to an act entitled 'An act to incorporate the Connecticut and Passumpsic Rivers Railroad Company,' passed Nov. 10, 1835," which had been returned to the Senate with the non-concurrence of the House of Representatives therein.

And, on motion of Mr. Vilas, it was

Resolved, That the Senate *adhere* to their amendment.

The following bills from the House of Representatives were severally read the first and second times, and referred as follows:

(H. 51.) House bill No 51, and

(H. 39.) House bill No. 39, to the Committee on the Judiciary; and

(H. 54.) House bill No. 54, to a Select Committee composed of the Senators from Chittenden County.

(H. 17.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in relation to Divorce," reported the same without amendment, and with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

On motion of Mr. Miner,
The Senate adjourned.

AFTERNOON.

(H. 11.) Mr. Bradley, from the Committee on Banks, to whom was referred the House bill entitled "An act to incorporate the Windham Provident Institution for Savings," reported the same with the proposal to amend by adding, as an additional Section to said bill, as follows:

"Section 14. *This Institution shall be located at Brattleboro', in Windham County.*"

And thus amended, the Committee recommended the passage of the bill.

And the question being taken, the amendment proposed was adopted.

And, on motion of Mr. Vilas, the bill, as amended, was

Ordered, To lie upon the table.

(S. 19.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in construction of 'An act in addition to Chapter 29 of the Revised Statutes,'" reported the same without amendment, and with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be engrossed and read the third time.

(H. 52.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act confirming the title to Parker's Gore," reported the same without amendment, and with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was, thereupon read the third time and passed in concurrence.

(S. 5.) Mr. Rich, from the Committee on Finance, to whom was referred the bill entitled "An act relating to the Grand List," reported the same, with the opinion of the Committee that it ought not to pass.

And, on motion of Mr. Rich, said bill was

Ordered, To lie upon the table.

(S. 36.) Mr. Fox, from the Committee on Education, to whom was referred the Petition of George Sleeper and 50 others, stated on the journal of the 14th instant, reported the same with a bill entitled "An act to incorporate the Corinth Academical Institute and County Grammar School," and recommended the passage of the bill.

And the said bill was read twice, and

Ordered, To be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The Governor has announced to the House of Representatives that he has this day approved and signed the bill (H. 23.) entitled "An act restoring John Messer to his legal privileges."

The House have passed a resolution providing for a Joint Committee of the two Houses to agree upon and report a day proper for the final adjournment of the General Assembly; and have appointed to constitute such Committee on their part, Messrs. Gregory, Russell of Burlington, and Smilie.

(S. 8.) Mr. Burton, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in amendment of Section 63, Chapter 28, of the Revised Statutes," reported the same, without amendment, and with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be engrossed and read the third time.

(S. 26.) The Senate took up the special order, being the engrossed bill on the table, entitled "An act relating to the Judiciary."

And the question being on the adoption of the amendments reported by the Committee on the Judiciary,

The said amendments were adopted.

And the bill, as amended, was passed.

The following communication was received from the Governor, by the hands of Mr. Billings, Secretary of Civil and Military Affairs:

To the Senate:

I have the honor to inform the Senate that a vacancy has occurred in the office of Brigadier General of the First Brigade, First Division, of the Militia of this State, by the promotion of Brigadier General Isaac McDaniels to the office of Major General.

HORACE EATON.

EXECUTIVE CHAMBER, }
October 20, 1846. }

Mr. Brownell, from the Committee on Bills, reported that they have this day presented to the Governor for his approval and signature, bills of the following titles, namely:

(H. 17.) "An act in relation to Divorce;" and

(H. 52.) "An act confirming the titles to Parker's Gore."

(H. 54.) Mr. Onion, from the Select Committee consisting of the Senators of Chittenden County, to whom was referred the House bill entitled "An act to incorporate the Burlington Hook and Ladder Company," reported the same without amendment, and with the opinion of the Committee that it ought to pass.

Mr. Vilas moved to amend the bill by striking out from Section 4, the words "*always hereafter*."

And it was so ordered.

And the bill, as amended, was

Ordered, To be read the third time.

And it was, thereupon, read the third time and passed in concurrence.

(S. 2.) Mr. Fox, from the Committee on Education to whom was referred the bill entitled "An act in amendment of an act relating to Common Schools," reported the same with the opinion that it ought not to pass.

And, on motion of Mr. Fox,

The said bill was indefinitely postponed.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. PRESIDENT :—The House of Representatives have passed bills of the following titles :

(H. 31.) " An act relating to the Staff Officers of the Militia ;"

(H. 34.) " An act relating to the Judiciary ;"

(H. 40.) " An act regulating the Jurisdiction of the Vergennes City Court ;"

(H. 43.) " An act in alteration of Chapter 95 of the Revised Statutes, entitled ' Of offences against private property ;' "

(H. 67.) " An act in relation to the sale of real estate by executors, in addition to Chapter 48 of the Revised Statutes ;" and

(H. 71.) " An act relating to the removal of Paupers."

In which bills they request the concurrence of the Senate.

The foregoing bills from the House of Representatives were severally read the first and second times, and referred as follows :

(H. 71.) House bill No. 71,

(H. 67.) House bill No. 67,

(H. 40.) House bill No. 40,

(H. 43.) House bill No. 43, and

(H. 34.) House bill No. 34, to the Committee on the Judiciary ; and

(H. 31.) House bill No. 31, to the Committee on Military Affairs.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows :

Mr. PRESIDENT—I am directed by the Governor to transmit to the Senate, for the use of the General Assembly, the Report of the Commissioner of the Deaf, Dumb, and Blind.

On motion of Mr. Smith,

The Senate adjourned.

WEDNESDAY, OCTOBER 21, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President announced the appointment of Messrs. Nash, Page, and Bell, as the Committee on the part of the Senate, to recommend a day for the final adjournment of the General Assembly.

The Report of the Commissioner for the Deaf, Dumb, and Blind, received yesterday from the Governor, was read and referred to the Committee under the 5th Joint Rule. [For Report, see Appendix C.]

Mr. Hodges presented the following resolution :

Resolved, by the Senate and House of Representatives, That both Houses meet in Joint Assembly at 10 o'clock this forenoon, for the purpose of filling the vacancy in the First Brigade, and First Division of the Militia of this State, occasioned by the promotion of Brigadier General Isaac McDaniels.

And it was read and passed.

The following communication was received from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs :

To the Senate :

I have the honor to inform the Senate, that Abel Brown declines to accept the office of Sheriff, and Abner Keeler the office of Assistant Justice of the County Court, for the County of Grand Isle, to which they have been elected by the Joint Assembly, for the ensuing political year.

HORACE EATON.

EXECUTIVE CHAMBER, }
October 20, 1846. }

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives concur with the Senate in passing the resolution providing for a Joint Assembly this morning at 10 o'clock, to supply the vacancy in the First Brigade, First Division of the Militia of this State, occasioned by the promotion of Brigadier General Isaac McDaniels.

(S. 36.) The engrossed bill entitled "An act to incorporate the Corinth Academical Institute and County Grammar School," was read the third time and passed.

(S. 8.) The engrossed bill entitled "An act in amendment of Section 63 of Chapter 28 of the Revised Statutes," was read the third time ;

And pending the question, Shall the bill pass ?

The hour provided for a meeting of the Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives. And, having returned therefrom,

Resumed the consideration of the bill.

Mr. Harrington moved that the bill be committed to a Senator with instructions, to amend the same by inserting the words, "*abscond or*," before the word "remove"

And it was so ordered, and the bill committed to Mr. Hodges for that purpose.

Mr. Hodges reported the bill, amended agreeably to the instructions. And, thus amended, it was passed.

(S. 19.) The engrossed bill entitled "An act in construction of an act in addition to Chapter 29 of the Revised Statutes," was read the third time and passed.

(S. 37.) Mr. Onion introduced a bill entitled "An act relating to the election of Town Representatives."

And it was read twice and referred to the Committee on Elections.

Mr. Harrington presented the following resolutions :

Resolved, by the Senate and House of Representatives, 1. That a Committee of three persons be appointed by the Governor, whose duty shall be to repair to the Vermont State Prison in the month of June or July next, and make thorough examination of the books, papers, officers and agents of said Prison, and ascertain the expense of the same each year to the State, with the average number of prisoners each year, together with the different branches of business carried on in said Prison, with the profit and loss in the same.

2. That said Committee shall also, during the months of July and August next, make personal examination of the stone and marble quarries on Isle La Motte in the County of Grand Isle, and such other stone and marble quarries as said Committee shall judge expedient, for the purpose of ascertaining the advantages to be derived to the State by locating said Prison on a stone or marble quarry, with a view of employing the convicts of said Prison in working the same.

3. That said Committee shall have power to appoint times and places at which they may hear evidence and arguments relative to the subjects of these inquiries ; and may send for and examine persons on oath relative to the same, if in their opinion it be necessary.

4. That said Committee shall on or before the first day of the next session of the Legislature make full report of their doings thereto.

And the resolutions were read, and,

On motion of Mr. Onion,

Referred to the Committee on Finance.

The following communications were received from the Governor, by the hands of Mr. Billings, Secretary of Civil and Military Affairs :

To the Senate :

I herewith transmit to the Senate, in printed form, the Second Annual Report of the State Geologist, made to my predecessor and by him forwarded for the use of the General Assembly.

EXECUTIVE CHAMBER, }
October 21, 1846. }

HORACE EATON.

To the Senate :

I have the honor to inform the Senate that Joshua W. Sheldon declines to accept the office of Assistant Justice of the County Court for the County of Franklin, to which he has been elected by the General Assembly, for the ensuing political year.

EXECUTIVE CHAMBER, }
October 21, 1846. }

HORACE EATON.

The said communications were read, and the latter referred to a select committee consisting of the Senators from Franklin County.

(S. 3.) Mr. Bradley, from the Committee on Banks, to whom was referred the bill entitled "An act to incorporate the Green Mountain Bank," reported the same, with the opinion of the Committee that it ought not to pass.

And, on motion of Mr. Chittenden, said bill was

Ordered, To lie upon the table.

On motion of Mr. Harrington,

The Senate adjourned.

AFTERNOON.

(S. 7.) Mr. Fox, from the Committee on Education, to whom was referred the bill entitled "An act in addition to the acts relating to Common Schools," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be engrossed and read the third time.

Mr. Kimball presented the following resolution :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing "An act relating to the sale of Property on attachment on mesne process, in addition to Chapter 28 of the Revised Statutes," Approved Nov. 1, 1843.

And it was read and passed.

(S. 18.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in addition to Chapter 11 of the Revised Statutes," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be engrossed and read the third time.

(S. 15.) Mr. Rich, from the Committee on Finance, to whom was referred the bill entitled "An act in addition to Chapter 77 of the Revised Statutes," reported the same with the proposal to amend as follows :

In the 1st section, strike out the words "*may, if the town shall so vote,*" and insert in lieu thereof the word "*shall,*" in the 2d section, strike out the words "*may in like manner by vote of the district,*" and insert in lieu thereof, the word "*shall,*" and in the 3d section, strike out all after the words "*in said office.*"

And, thus amended, the Committee were of the opinion that the bill ought to pass.

And the question being taken, the amendments proposed were adopted.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative.

So the third reading of the bill was refused.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. PRESIDENT :—The House of Representatives have further considered the amendment of the Senate to the House bill (H. 10.) entitled "An act in addition to an act entitled 'An act to incorporate the Connecticut and Passumpsic Rivers Railroad Company,' passed Nov. 10, 1835," and have resolved to *adhere* to their disagreement to the same.

So the amendment was adopted.

And the question being, Shall the resolution, as amended, pass?

Mr. Vilas asked a division of the question on the passage of the resolution.

The President decided that the resolution was not susceptible of division in the manner proposed.

Mr. Vilas moved that the resolution lie upon the table.

And the question being taken,

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 9,} \\ \text{Nays 18.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Smith, were as follows :
Those Senators who voted in the affirmative are Messrs. Bellows, Fifield, Harrington, Miner, Page, Rich, Robinson, Smith, and Vilas:

Those Senators who voted in the negative are Messrs. Bell, Bemis, Bradley, Brownell, Burton, Chittenden, Clapp, Cram, Foster, Fox, Hibbard, Hilton, Hodges, Howe, Kimball, Morse, Onion, and Simonds.

So the motion was lost.

And the question recurring, Shall the resolution pass?

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas 18,} \\ \text{Nays 8.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative are Messrs. Bell, Bellows, Bemis, Bradley, Brownell, Burton, Chittenden, Clapp, Cram, Cushman, Hibbard, Hilton, Hodges, Howe, Kimball, Morse, Onion, and Simonds.

Those Senators who voted in the negative are Messrs. Fifield, Fox, Harrington, Miner, Page, Robinson, Smith, and Vilas.

So the resolution, as amended, passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. PRESIDENT :—The Governor has announced to the House of Representatives that he has this day approved and signed the following entitled bills :

(H. 17.) "An act in relation to Divorce," and

(H. 59.) "An act confirming the title to Parker's Gore."

On motion of Mr. Chittenden,

The Senate adjourned.

THURSDAY, OCTOBER 22, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 39.) Mr. Burton introduced a bill entitled "An act altering the time of holding the County Court in the County of Windsor."

And it was read twice and referred to the Committee on the Judiciary.

Mr. Bradley, from the Committee on Banks, to whom was referred the petition of Asa Chapman and others, stated on the journal of the 19th instant, reported that in the opinion of the Committee the prayer of the petitioners ought to be granted, and recommended the passage of the accompanying bill.

(S. 40.) The said bill, so reported, entitled "An act to amend the act extending the Charter of the Bank of Middlebury," was read twice, and

Ordered, To be engrossed and read the third time.

(H. 6.) Mr. Fox, from the Committee on Education, to whom was referred the House bill entitled "An act to incorporate the Chittenden County Infirmary," reported the same, with the opinion of the Committee that it ought not to pass.

And, on motion of Mr. Bradley, said bill was

Ordered, To lie upon the table.

(H. 8.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in relation to suits upon official bonds," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon, passed in concurrence.

(H. 40.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act regulating the jurisdiction of the Vergennes City Court," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And, on motion of Mr. Cushman, said bill was

Ordered, To lie upon the table.

Mr. Foster, from the same Committee, to whom was referred the petition of Ira Davis and others, stated on the journal of the 16th instant, reported that in the opinion of the Committee legislation thereon was inexpedient, and asked that the Committee be discharged from further consideration thereof.

And the Committee were discharged, and, on motion of Mr. Vilas, the petition was

Ordered, To lie upon the table.

(S. 26.) Mr. Brownell, from the Committee on Bills, reported that they had this day presented to the Governor, for his approval and signature, the bill entitled "An act relating to the Judiciary."

(S. 41.) Mr. Smith introduced a bill entitled "An act relating to the misapplication and embezzlement of Trust Funds."

And it was read twice and referred to the Committee on the Judiciary.

(H. 9.) Mr. Burton, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in alteration of Chapter 29 of the Revised Statutes, entitled 'Of proceedings against Trustees,'" reported the same, without amendment, with the opinion of the majority of the Committee that the same ought to pass.

And the question being, Shall the bill be read the third time?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 4,} \\ \text{Nays 25.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative are Messrs. Birchard, Burton, Hibbard, and Page.

Those Senators who voted in the negative are Messrs. Bell, Bellows, Bemis, Bradley, Brownell, Chittenden, Clapp, Cram, Cushman, Fifield, Foster, Fox, Harrington, Hilton, Hodges, Howe, Kimball, Miner, Morse, Onion, Rich, Robinson, Simonds, Smith, and Vilas.

So the third reading of the bill was refused.

(S. 42.) Mr. Howe introduced a bill entitled "An act in addition to 'An act in relation to the Grand List,' approved Nov. 11, 1841."

And it was read twice and referred to the Committee on the Judiciary.

(H. 39.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in relation to the accounts of Executors, Administrators, Trustees, and Guardians," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon, passed in concurrence.

Mr. Rich, from the Committee on Finance, to whom was referred the resolutions relative to the State Prison, stated on the journal of yesterday, reported the same with the proposal to amend by striking out all after the words "*Resolved, by the Senate and House of Representatives,*" and inserting as follows :

"That a committee of three persons be appointed by the Governor, whose duty it shall be to make a personal examination of such portions of the State as they may think proper, for the purpose of ascertaining the advantages to be derived to the State by locating the State Prison where some raw material may be obtained, of small value, on which to employ the labor of the convicts of said Prison, and make report to the Governor by the first day of October next."

And the question being taken the amendment was adopted.

The question then being, Shall the resolution, as amended, pass ?

Mr. Smith moved a reconsideration of the vote adopting the amendment proposed by the Committee.

And the question being taken, it was decided in the affirmative.

And the question then recurring, Will the Senate adopt the amendment proposed ?

Without taking the vote thereon,

On motion of Mr. Miner,
The Senate adjourned.

AFTERNOON.

The Senate took up the unfinished business of the morning, being the resolution relating to the State Prison.

And, on motion of Mr. Smith, it was

Ordered, That said resolution, with the amendment, be re-committed to the Committee on Finance.

The following engrossed bills were severally read the third time and passed, namely :

(S. 7.) "An act in addition to the acts relating to Common Schools."

(S. 18.) "An act in addition to Chapter 11 of the Revised Statutes." And

(S. 40.) "An act to amend the act extending the Charter of the Bank of Middlebury."

(H. 27.) Mr. Howe, from the Committee on Agriculture, to whom was re-committed the House bill entitled "An act to repeal an act entitled 'An act to repeal the laws giving a bounty on the destruction of Bears, Wolves, and Panthers,' approved, Nov. 6, 1845," again reported the same, with the opinion of the majority of the Committee that it ought *not* to pass.

And, on motion of Mr. Smith, said bill was

Ordered, To lie upon the table.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT :—I am directed by the Governor to transmit to the Senate a message in writing; and to announce to the Senate that he has this day approved and signed the following entitled bill (S. 26.) "An act relating to the Judiciary."

The communication from the Governor, was thereupon read, as follows :

To the Senate :

I have the honor to inform the Senate, that Lyndon A. Marsh declines to accept the office of Jail Commissioner for the County of Windsor, to which he has been elected by the General Assembly, for the ensuing political year.

EXECUTIVE CHAMBER, }
October 22, 1846. }

HORACE EATON.

And said communication was thereupon referred to the Senators from Windsor County.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have considered the amendment of the Senate to the bill (H. 54.) entitled "An act to incorporate the Burlington Hook and Ladder Company."

They have passed a bill (H. 55.) entitled "An act to alter the name

of Clara Frances Vermont ;" and a resolution providing for a Joint Assembly to elect Judges of the Supreme Court for the year ensuing.

In which bill and resolution they request the concurrence of the Senate.

(H. 55.) House bill No. 55, was read twice and referred to the Committee on the Judiciary.

Mr. Rich presented the following resolution :

Resolved, That the Librarian be required to inform the Senate from an examination of the journals of the General Assembly, the amount of the appropriations made by the Legislature for the maintenance of the State Prison since its first erection—also the expense of erecting said Prison.

And it was read and passed.

(H. 43.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the House bill entitled " An act in alteration of Chapter 95 of the Revised Statutes, entitled ' Of offences against private property,' " reported the same without amendment, with the opinion of the Committee that it *ought* to pass.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(H. 71.) Mr. Foster, from the same Committee, to whom was referred the House bill entitled " An act relating to the removal of Paupers," reported the same without amendment, with the opinion of the Committee that it *ought* to pass.

And, on motion of Mr. Kimball, said bill was

Ordered, To lie upon the table.

(S. 33.) Mr. Hodges called up the bill on the table entitled " An act to improve the management of State Finances.

And it was

Ordered, To be engrossed and read the third time.

And the said bill, duly engrossed, was read the third time.

Mr. Miner moved to commit to a Senator, to amend the said bill by striking out the word "*Supreme*" in Section 1, wherever it occurs, and insert the word "*County*."

And, pending the question,

On motion of Mr. Vilas, the said bill was

Ordered, To lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. PRESIDENT:—The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate :

(H. 60.) " An act to annex a part of the town of Waitsfield to the town of Northfield ;" and

(H. 66.) " An act laying a tax on the County of Washington."

The House have considered the following entitled bills from the Senate :

(S. 9.) " An act to amend Chapter 24 of the Revised Statutes ;" and

(S. 24.) "An act in relation to the collection of Taxes."
And have passed the same with amendments, in which they request the concurrence of the Senate.

The following bills from the House of Representatives were severally read the first and second times and referred,

(H. 60.) House bill No. 60, to the Committee on the Judiciary; and

(H. 66.) House bill No. 66, to the Committee on Finance.

The resolution from the House of Representatives, providing for a Joint Assembly to-morrow at 3 o'clock P. M., to elect Judges of the Supreme Court for the year ensuing, was read and passed in concurrence.

(S. 9 and 24.) The Senate proceeded to consider the amendments of the House of Representatives to the Senate bills No. 9, and No. 24, severally entitled "An act to amend Chapter 24 of the Revised Statutes," and "An act in relation to the collection of Taxes," which amendments are as follows:

Senate bill No. 9, strike out the title of the bill, and insert as a substitute therefor the following: "*An act prescribing the manner bonds shall be filed for Injunctions.*"

And it was

Resolved, To concur in said amendment.

Senate bill No. 24, after the word "*any*," in 13th line, insert the words "*and in case there be no other constable in said town, it shall be the duty of the Selectmen to appoint some competent person.*"

And it was

Resolved, To concur in said amendment.

On motion of Mr. Cushman,

The Senate adjourned.

FRIDAY, OCTOBER 23, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 14.) Mr. Fox, from the Committee on Education, to whom was referred the bill entitled "An act in amendment of Chapter 18 of the Revised Statutes," reported the same, with the opinion of the Committee that it ought *not* to pass.

And, on motion of Mr. Fox, it was

Ordered, To lie upon the table.

(S. 43.) Mr. Miner introduced a bill entitled "An act in addition to Chapter 29 of the Revised Statutes, entitled 'Of Proceedings against Trustees.'"

And it was read twice and referred to the Committee on the Judiciary.

(S. 33.) Mr. Chittenden called up the engrossed bill on the table entitled "An act to improve the management of State Finances."

And the pending question being on the adoption of the amendment moved by Mr. Miner, and stated on the journal of yesterday, Mr. Miner withdrew his proposed amendment.

Mr. Harrington moved to commit the bill to a Senator, with instructions to amend the same by striking out from Section 1, the words "*at their first session in each County,*" and inserting the words "*as soon as conveniently may be,*" and the same Section, by striking out the word "*Supreme,*" in the first line, and inserting the word "*County,*" and by striking out the words "*another is appointed by the Supreme Court,*" and inserting the words "*removed by the Supreme Court for good cause shown to them.*"

And the question being taken, the motion was rejected.

And, thereupon, the bill was passed.

On motion of Mr. Fox,
The Senate adjourned.

AFTERNOON.

Mr. Brownell, from the Committee on Bills, reported that they had this day presented to the Governor, for his approval and signature, the following entitled bills, to wit:

(H. 8.) "An act in relation to suits upon official bonds."

(H. 39.) "An act in relation to the accounts of Executors, Administrators, Trustees and Guardians."

(H. 54.) "An act to incorporate the Burlington Hook and Ladder Company."

(S. 24.) "An act in relation to the collection of taxes."

(S. 9.) "An act prescribing the manner bonds shall be taken for injunctions." And

(H. 43.) "An act in alteration of Chapter 95 of the Revised Statutes, entitled 'Of Offences against Private Property.'"

(H. 11.) Mr. Howe called up the House bill, on the table, entitled "An act to incorporate the Windham Provident Institution for Savings."

Mr. Kimball moved to amend the same as follows:

Add to Section 5 the following:

"*And the Treasurer of said Corporation, before entering upon the duties of his office, shall give bonds to the directors thereof, for the faithful performance of his duties, in such sum and with such sureties as said directors may require.*"

(S. 3.) Mr. Brownell called up the bill, on the table, entitled "An act to incorporate the Green Mountain Bank."

And, on his motion, said bill was

Ordered, To be recommitted to the Committee on Banks.

(S. 44.) Mr. Burton introduced a bill entitled "An act in relation to the Militia."

And it was read twice, and referred to the Committee on Military Affairs.

(S. 45.) Mr. Foster introduced a bill entitled "An act relating to Exceptions."

And it was read twice, and referred to the Committee on the Judiciary.

(S. 5.) Mr. Birchard called up the bill, on the table, entitled "An act relating to the Grand List."

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative.

So the bill was lost.

(S. 46.) Mr. Smith introduced a bill entitled "An act concerning parties in actions at law."

And it was read twice, and referred to the Committee on the Judiciary.

(H. 66.) Mr. Smith, from the Committee on Finance, to whom was referred the House bill entitled "An act laying a tax on the County of Washington," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon, passed in concurrence.

(S. 29.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the bill entitled "An act relating to the assessment of damages," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

Mr. Smith moved to amend the bill by inserting after the word "Court," in the 2d line, the words "*of law*," and by adding thereto a new Section, as follows:

"Section 2. This act shall take effect from its passage."

And the question being taken, the amendments were adopted.

And, on motion of Mr. Hodges, the bill was

Ordered, To lie upon the table.

(H. 31.) Mr. Cushman, from the Committee on Military Affairs, to whom was referred the House bill entitled "An act relating to Staff Officers of the Militia," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

And, on motion of Mr. Chittenden, said bill was

Ordered, To lie upon the table.

The hour provided for a Joint Assembly to elect Judges of the Supreme Court for the year ensuing, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

(H. 27.) Mr. Smith called up the House bill, on the table, entitled "An act to repeal an act entitled 'An act to repeal the laws giving a

bounty on the destruction of Bears, Wolves and Panthers,' approved November 6, 1845."

And, the question being, Shall the bill be read the third time ?

It was decided in the affirmative, { Yeas, 19.
Nays, 7.

The yeas and nays, being demanded by Mr. Howe, were as follows :

Those Senators who voted in the affirmative are Messrs. Bell, Bemis, Bradley, Burton, Chittenden, Clapp, Cram, Cushman, Fifield, Foster, Hibbard, Hodges, Kimball, Miner, Nash, Onion, Robinson, Simonds, and Smith.

Those Senators who voted in the negative are Messrs. Birchard, Fox, Harrington, Hilton, Howe, Morse, and Rich.

So the bill was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs :

MR. PRESIDENT : I am directed by the Governor to announce to the Senate that he has this day approved and signed bills of the following titles :

(S. 9.) " An act prescribing the manner bonds shall be filed for Injunctions." And

(S. 24.) " An act in relation to the collection of Taxes."

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT : The Governor has announced to the House of Representatives that he has this day approved and signed bills of the following titles :

(H. 39.) " An act in relation to the accounts of Executors, Administrators, Trustees, and Guardians."

(H. 43.) " An act in alteration of Chapter 95 of the Revised Statutes, entitled ' Of Offences against Private Property.' " And

(H. 54.) " An act to incorporate the Burlington Hook and Ladder Company."

On motion of Mr. Burton,

The Senate adjourned.

SATURDAY, OCTOBER 24, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Nash presented the following resolution :

Resolved, by the Senate and House of Representatives, That the two

Houses meet in Joint Assembly, on Tuesday next at 3 o'clock P. M., for the purpose of electing a Bank Inspector and Bank Commissioner: And it was read and passed.

(S. 20.) Mr. Bradley, from the Committee on Banks, to whom was referred the bill entitled "An act to incorporate the Bank of Brandon," reported the same without any expression of the opinion of the Committee thereon.

And, on motion of Mr. Smith, said bill was

Ordered, To lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT :—The House of Representatives have passed a resolution providing for a Joint Assembly to elect a Bank Commissioner and Bank Committee for the year ensuing, in which they request the concurrence of the Senate.

(S. 25.) The House concur with the Senate in passing the bill entitled "An act directing the Treasurer to credit John Spalding the sum therein mentioned."

(S. 45.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the bill entitled "An act relating to Exceptions," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And, on motion of Mr. Chittenden, the said bill was

Ordered, To lie upon the table, and be made the special order for 11 o'clock this morning.

The hour to which the Joint Assembly for the election of County Officers was adjourned, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

A message was received from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT :—The House of Representatives have passed a resolution reported by a Joint Committee, providing for a day for the final adjournment of the General Assembly, in which they request the concurrence of the Senate.

(H. 11.) The House have considered the amendment of the Senate to the bill entitled "An act to incorporate the Windham Provident Institution for Savings," and have resolved to concur therein.

(S. 10.) The House have passed, in concurrence, the bill entitled "An act to amend 'An act in addition to Chapter 41 of the Revised Statutes,'" with an amendment; and bills of the following titles, to wit:

(H. 58.) "An act to annex a part of the town of Dummerston to the town of Putney;"

(H. 68.) "An act to punish unlawful attempts to cause abortion;" and

(H. 70.) "An act in relation to the enrolled Militia."

In which amendment and bills, they request the concurrence of the Senate.

The resolution from the House of Representatives providing for a Joint Assembly on Monday next at 10 o'clock A. M., to elect a Bank

Commissioner and Bank Committee for the year ensuing, was read, and,

On motion of Mr. Rich,

Ordered, To lie upon the table.

The resolution reported by the Joint Committee to whom was referred the subject of the adjournment of the General Assembly, and which provides for such adjournment on Friday next, the 30th inst., at 6 o'clock A. M., which resolution was passed by the House of Representatives, was read, and

On motion of Mr. Bradley,

Ordered, To lie upon the table.

The President laid before the Senate a communication from the State Librarian in reply to the resolution of the Senate relative to the expenses of the State Prison, spread upon the journal of the 22d instant.

And it was read, and on motion of Mr. Rich, referred to the Committee on Finance.

The said communication is as follows : [See Appendix, D.]

(S. 38.) Mr. Foster moved that the Committee on the Judiciary be discharged from the further consideration of the bill entitled "An act to prevent imposition and accident in the sale of medicines."

And it was so ordered.

And, on motion of Mr. Cushman, said bill was

Ordered, To be referred to a Select Committee of three Senators.

The President announced the appointment of Messrs. Fox, Onion, and Cushman, as such Committee.

(S. 28.) Mr. Harrington, from the Select Committee, to whom was referred the bill entitled "An act to establish the Grand Isle County Fire Insurance Company," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be engrossed and read the third time.

(S. 10) The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "An act to amend an act in addition to Chapter 41 of the Revised Statutes," which is as follows :

"Strike out the title of said bill and insert "An act providing for writs of attachment in cases where tenants hold over."

And, on motion of Mr. Vilas, said bill and amendment were

Ordered, To lie upon the table.

(S. 17.) Mr. Bradley, from the Committee on Banks, to whom was referred the bill entitled "An act extending the Charter of the Farmers' and Mechanics' Bank," reported the same with the proposal to amend by adding two Sections, as follows :

Section 5. "If any person, owning a portion of the capital stock of said Bank, shall, on or before the 31 Dec. 1849, signify to the Directors his wish to withdraw his stock from said Bank, it shall be the duty of said Directors to pay to such Stockholder the value of his portion of said capital stock as ascertained as aforesaid, and thereupon such portion of the capital stock shall vest in the Corporation to be disposed of as follows.

Section 6. "The Directors shall within six days after the 31 Dec. 1849, give notice by posting up advertisements in three public places in the town of Burlington, that such portion of the capital stock of said Bank as

may have been vested in said Corporation as aforesaid, will be sold at auction, at the Banking House of the Corporation, on some day not less than twenty nor more than thirty days after posting up said advertisements; and at the time and place thus designated, the Cashier of said Bank shall proceed to sell all such stock by public auction."

And, on motion of Mr. Cushman, said bill and amendment were
Ordered, To lie upon the table.

(S. 45.) The Senate proceeded to consider the special order, being the bill on the table entitled "An act relating to Exceptions."

And it was

Ordered, To be engrossed and read the third time.

And the said bill, duly engrossed, was read the third time.

The question then being, Shall the bill pass?

Mr. Vilas moved that the said bill be committed to a Senator with instructions to amend the same by striking out the first and second Sections thereof.

And it was so ordered.

The President designated Mr. Vilas to perform this order, and he reported the bill amended agreeably to the instructions.

And it was, thereupon, passed.

(H. 60.) Mr. Burton, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act to annex a part of the town of Waitsfield to the town of Northfield," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(S. 32.) Mr. Foster, from the same Committee, to whom was referred the bill entitled "An act in addition to Chapter 16 of the Revised Statutes," reported the same with the opinion of the Committee that it ought *not* to pass.

Mr. Vilas moved to amend the said bill, by striking out the *title* thereof, and inserting in lieu thereof, "*An act relating to Paupers.*"

And it was so ordered.

And, on motion of Mr. Smith, said bill was

Ordered, To lie upon the table.

On motion of Mr. Chittenden,
 The Senate adjourned.

AFTERNOON.

(S. 11.) Mr. Burton, from the Judiciary Committee, to whom was referred the bill entitled "An act in addition to Chapter 26 of the Revised Statutes," reported the same with the opinion of the Committee that it ought *not* to pass.

And, on motion of Mr. Burton, said bill was

Ordered, To lie upon the table.

Mr. Brownell, from the Committee on Bills, reported that they had

this day presented to the Governor, for his approval and signature, bills of the following titles, to wit :

- (H. 66.) "An act laying a tax on the County of Washington ;" and
(S. 25.) "An act directing the State Treasurer to credit John Spalding the sum therein mentioned."

The following bills from the House of Representatives were severally read the first and second times and referred :

- (H. 70.) House bill No. 70, to the Committee on Military Affairs ;
(H. 68.) House bill No. 68, to the Judiciary Committee ; and
(H. 58.) House bill No. 58, to the Senators from the County of Windham.

Mr. Rich, from the Committee on Finance, to whom were re-committed the resolutions relative to the State Prison stated on the journal of the 21st instant, reported the same with accompanying resolutions, which the Committee recommended as a substitute for the resolutions re-committed to them.

The said resolutions so proposed as a substitute were read as follows :

Resolved, by the Senate and House of Representatives, 1: That Silas H. Jenison, Nathan Smilie, and David M. Camp, be appointed a committee to examine such portions of the State as they may think proper, with the view of ascertaining whether some stone or marble quarry, or other raw material, can be obtained, of small value, on which the Convicts in the State Prison can be employed with more advantage to the State than at the present prison, and make report to the Auditor of Accounts by the first day of September next.

2. That the Directors of the State Prison be directed to ascertain, by a thorough examination of the books, papers, officers, and agents of said Prison, and in any other way they may deem expedient, the expense of the same to the State for the last ten years, and as far as practicable, the expense each year, and whether such large expenditures have been necessary : for which purpose, they shall have power to send for persons and papers ; also, to ascertain the average number of prisoners each year ; and make report to the Auditor of Accounts by the first day of September next.

And, on motion of Mr. Rich, the resolutions were

Ordered, To lie upon the table.

Mr. Cushman, on his own motion, was excused from serving on the Select Committee on the bill relative to "imposition and accident in the sale of medicine."

The President appointed Mr. Miner to supply the vacancy on said Committee.

(H. 71.) Mr. Kimball called up the House bill on the table entitled "An act relating to the removal of Paupers."

Mr. Vilas moved to amend the same by striking out from Section 2, all after the words "either of said towns ;" and also by striking out the whole of Section 4.

And the question being taken, the said amendments were severally adopted.

And the bill, thus amended, was passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. PRESIDENT :—The Governor has announced to the House of Representatives that he has this day approved and signed the bill (H. 66.) entitled "An act laying a tax on the County of Washington."

The House have considered the bills from the Senate entitled

(S. 18.) "An act in addition to Chapter 11 of the Revised Statutes;"

(S. 19.) "An act in construction of an act in addition to Chapter 29 of the Revised Statutes;" and

(S. 36.) "An act to incorporate the Corinth Academical Institute and County Grammar School;" and have adopted amendments to them respectively, in which they request the concurrence of the Senate.

(S. 27.) The House do *not* concur with the Senate in passing the bill entitled "An act in alteration of an act relating to Public Accounts."

On motion of Mr. Cushman,

(S. 17.) The Senate took up the bill on the table entitled "An act extending the Charter of the Farmers' and Mechanics' Bank."

And the amendment proposed by the Committee on Banks was adopted.

And the bill, as amended, was

Ordered, To be engrossed and read the third time.

(S. 23.) Mr. Vilas, from the Judiciary Committee, to whom was referred the bill entitled "An act in addition to Chapter 81 of the Revised Statutes, in relation to Religious and other Societies," reported the same, with the opinion of the Committee that it ought to pass.

And, on motion of Mr. Smith, it was

Ordered, To lie upon the table.

On motion of Mr. Smith,

(S. 20.) The Senate took up the bill on the table entitled "An act to incorporate the Bank of Brandon."

And, on motion of Mr. Hodges, it was

Ordered, To be again laid upon the table, and made the special order for Monday afternoon next.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows :

Mr. PRESIDENT :—I am directed by the Governor to announce to the Senate that he has this day approved and signed the bill (S. 25.) entitled "An act directing the State Treasurer to credit John Spalding the sum therein mentioned."

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. PRESIDENT :—The Governor has announced to the House of Representatives that he has this day approved and signed the bill (H. 11.) entitled "An act to incorporate the Windham Provident Institution for Savings."

(S. 41.) Mr. Foster, from the Judiciary Committee, to whom was referred the bill entitled "An act relating to the misapplication and embezzlement of trust funds," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And, on motion of Mr. Vilas, said bill was

Ordered, To be re-committed to the Judiciary Committee.

(H. 31.) Mr. Kimball called up the House bill on the table, entitled "An act relating to Staff Officers in the Militia."

And, on his motion, it was

Ordered, To be re-committed to the Committee on Military Affairs.

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles, to wit:

(H. 11.) "An act to incorporate the Windham Provident Institution for Savings;"

(H. 60.) "An act to annex a part of the town of Waitsfield to the town of Northfield;"

(H. 27.) "An act to repeal an act entitled 'An act to repeal the laws giving a bounty on the destruction of bears, wolves, and panthers,' approved Nov. 6, 1845."

The Senate proceeded to consider the amendments of the House of Representatives to the Senate bills entitled

(S. 18.) "An act in addition to Chapter 11 of the Revised Statutes;"

(S. 19.) "An act in construction of an act in addition to Chapter 29 of the Revised Statutes;" and

(S. 36.) "An act to incorporate the Corinth Academical Institute and County Grammar School."

The said amendments were as follows:

Senate bill No. 18; Amend the title so that it will be "*An act extending the jurisdiction of Sheriffs in criminal cases*;"

Senate bill No. 19; Amend the title of the bill so that it will be "*An act providing for service in Trustee Process*;" and

Senate bill No. 36; Insert after the word "*act*," in Section 3, the words "*and said meeting may be called by either of said Corporators, by serving a personal notice on the others.*"

And the said amendments were severally adopted in concurrence.

On motion of Mr. Miner,
The Senate adjourned.

MONDAY, OCTOBER 26, 1846.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

Mr. Vilas called up the resolution of the House of Representatives fixing upon Friday next as the day of the final adjournment of the General Assembly, and moved to amend the same by striking out the word "*Friday*," and inserting the the word "*Thursday*."

Mr. Smith moved that said resolution lie upon the table.

And, the question being taken,

It was decided in the negative. } Yeas, 10.
 } Nays, 17.

The yeas and nays, being demanded by Mr. Vilas, were as follows:

Those Senators who voted in the affirmative are Messrs. Bell, Bradley, Burton, Chittenden, Cushman, Howe, Nash, Onion, Rich, and Smith.

Those Senators who voted in the negative are Messrs. Bellows, Bemis, Birchard, Brownell, Clapp, Cram, Foster, Fox, Harrington, Hibbard, Hilton, Hodges, Kimball, Miner, Morse, Simonds, and Vilas.

So the motion to lay upon the table was lost.

The question then recurring upon the motion of Mr. Vilas;

It was decided in the affirmative, and the amendment was adopted.

And the resolution, thus amended, was passed.

(S. 47.) Mr. Vilas introduced a bill entitled "An act to submit to the Freemen of the State whether the act to abolish the School Fund shall be repealed."

And it was read twice and referred to the Committee on Education.

(S. 28.) The engrossed bill entitled "An act to establish the Grand Isle County Fire Insurance Company,"

Was, on motion of Mr. Cushman, and by the unanimous consent of the Senate,

Read the third time *by its title*, and passed.

(S. 17.) The engrossed bill entitled "An act extending the Charter of the Farmers' and Mechanics' Bank,"

Was read the third time.

And, on motion of Mr. Vilas,

Ordered, To be laid upon the table, and be made the special order for this afternoon.

Mr. Rich called up the House resolution, on the table, providing for a Joint Assembly this morning at 10 o'clock, to elect a Bank Commissioner and Bank Committee for the year ensuing.

And, on his motion, the said resolution was amended by striking out the words "*Monday at 10 o'clock in the forenoon*" and inserting the words "*Tuesday at 3 o'clock P. M.*"

And, thus amended, the resolution passed.

(S. 48.) Mr. Smith introduced a bill entitled "An act altering the time for holding the County Court in the County of Washington."

And it was read twice and referred to the Committee on the Judiciary.

(S. 13.) Mr. Burton, from the Judiciary Committee, to whom was referred the bill entitled "An act relating to costs in civil actions," reported the same with the opinion of the Committee that it ought *not* to pass.

And, on motion of Mr. Vilas, said bill was

Ordered, To lie upon the table.

(S. 29.) The Senate took up the bill on the table entitled "An act relating to the assessment of damages."

And it was

Ordered, To be engrossed and read the third time.

(S. 11.) The bill on the table entitled "An act in addition to Chapter 26 of the Revised Statutes," was taken up.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 9.} \\ \text{Nays 12.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Harrington, were as follows :

Those Senators who voted in the affirmative are Messrs. Chittenden, Fox, Harrington, Hibbard, Howe, Miner, Rich, Simonds, and Smith.

Those Senators who voted in the negative are Messrs. Bell, Birchard, Brownell, Burton, Clapp, Cram, Cushman, Foster, Hilton, Kimball, Morse, and Vilas.

So the third reading of the bill was refused.

(S. 23.) The bill on the table entitled "An act in addition to Chapter 81 of the Revised Statutes, in relation to Religious and other Societies," was taken up, and

Ordered, To be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. PRESIDENT :—The House of Representatives have considered the amendment of the Senate to the bill (H. 71.) entitled "An act relating to the removal of Paupers;" and have considered the Senate bill (S. 45.) entitled "An act relating to Exceptions;" and have resolved *not* to concur therein.

The House have passed the Senate bills (S. 7.) entitled "An act in addition to the acts relating to Common Schools;" and (S. 40.) "An act to amend the act extending the Charter of the Bank of Middlebury," with amendments, in which they request the concurrence of the Senate.

The House have passed a resolution directing the Secretary of State to furnish Judges of the Supreme Court with certain Reports, Journals, and Acts.

They have also passed bills of the following titles, to wit :

(H. 5.) "An act to pay Sophia S. Allen the sum therein mentioned;"

(H. 24.) "An act to incorporate the Woodstock Mill Company;"

(H. 45.) "An act to abolish the Salary of the Treasurer as Commissioner of the School Fund;"

(H. 74.) "An act to incorporate the Granite Manufacturing Company;"

(H. 79.) "An act in addition to Chapter 53 of the Revised Statutes, entitled 'Of the partition and distribution of estates;'"

(H. 85.) "An act to incorporate the Franklin County Mutual Fire Insurance Company;" and

(H. 109.) "An act to incorporate the Groton and Ryegate Mining Company;" in which resolution and bills they request the concurrence of the Senate.

The said bills from the House of Representatives, were severally read the first and second times, and referred as follows :

(H. 85.) House bill No. 85, to the Senators from Franklin County;

(H. 79.) House bill No. 79, to the Judiciary Committee;

- (H. 5.) House bill No. 5, to the Committee on Claims ;
 (H. 24.) House bill No. 24, to the Senators from Windsor County ;
 (H. 45.) House bill No. 45, to the Committee on Finance ;
 (H. 74.) House bill No. 74, to the Committee on Manufactures ; and
 (H. 109) House bill No. 109, to the Senators from Caledonia County.

The resolution from the House of Representatives directing the Secretary of State to deliver to each of the Judges of the Supreme Court one copy of Volume 17 and of each succeeding Volume of the Vermont Reports, and to each of the Ex-Judges of the Supreme Court one copy of the Journals, and Acts, of each session of the Legislature hereafter published,

Was read and referred to the Judiciary Committee.

(S. 40.) The Senate proceeded to consider the amendment of the House to the Senate bill entitled "An act to amend the act extending the Charter of the Bank of Middlebury," which amendment is as follows :

Strike out from line 6 from the bottom of Section 2, the word "and ;" and insert after the word "nine" in same line the words "and fourteen."

And it was

Resolved, To concur in said amendment.

(S. 7.) The Senate proceeded to consider the amendments of the House to the Senate bill entitled "An act in addition to the acts relating to Common Schools," which amendments are as follows :

Insert after the words "Section 1," the words "*of the act passed Nov. 1, 1843, entitled 'An act in addition to Chapter 18 of the Revised Statutes, relating to Common Schools ;'*" and

Strike out the last clause of said bill commencing with the word "subject."

And it was

Resolved, To concur in said amendments.

(H. 71.) The Senate again considered their amendments, on the journal of the 24th instant, to the House bill entitled "An act relating to the removal of Paupers," which had been returned with the non-concurrence of the House therein.

And, on motion of Mr. Smith, said bill and amendments were

Ordered, To lie upon the table.

On motion of Mr. Burton,

The House adjourned.

AFTERNOON.

(H. 67.) Mr. Foster, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in relation to the sale of real estate, by executors, in addition to Chapter 48 of the Revised Statutes," reported the same with an amendment, with the opinion of the Committee that if amended as proposed it ought to pass. ♣

The said amendment is to add after the word "*executor*," the words, "*or administrator*," in the title of the bill and in Section 1.

And the amendment proposed was adopted.

And the bill, thus amended, was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

The following engrossed bills were severally read the third time and passed, to wit:

(S. 29.) "An act relating to the assessment of damages;"

(S. 23.) "An act in addition to Chapter 81 of the Revised Statutes, in relation to Religious and other Societies;" and

(S. 17.) "An act extending the Charter of the Farmers' and Mechanics' Bank."

The last named bill was passed by yeas and nays, as follows:

{ Yeas 19.

{ Nays 8.

The yeas and nays, being demanded by Mr. Vilas, were as follows:

Those Senators who voted in the affirmative are Messrs. Bellows, Bemis, Birchard, Bradley, Brownell, Chittenden, Clapp, Foster, Fox, Hibbard, Hilton, Hodges, Howe, Kimball, Morse, Nash, Onion, Rich, and Simonds.

Those Senators who voted in the negative are Messrs. Bell, Burton, Fifield, Miner, Page, Robinson, Smith, and Vilas.

(S. 20.) The Senate took up the special order, being the bill entitled "An act to incorporate the Bank of Brandon."

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the affirmative: { Yeas 17.

{ Nays 10.

The yeas and nays, being demanded by Mr. Miner, were as follows:

Those Senators who voted in the affirmative are Messrs. Bell, Bellows, Birchard, Bradley, Brownell, Chittenden, Clapp, Cram, Cushman, Foster, Hibbard, Kimball, Morse, Onion, Rich, Simonds, and Smith.

Those Senators who voted in the negative are Messrs. Bemis, Burton, Fox, Harrington, Hilton, Hodges, Howe, Miner, Page, and Robinson.

So the bill was

Ordered, To be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives have considered the amendment of the Senate to the resolution providing for a Joint Assembly to elect a Bank Commissioner and Bank Committee for the year ensuing, and have resolved to concur therein.

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor for his approval and signature, bills of the following titles, to wit:

(S. 36.) "An act to incorporate the Corinth Academical Institute and County Grammar School;"

- (S. 19.) "An act providing for the service of Trustee Process;"
 (S. 18.) "An act extending the jurisdiction of Sheriffs in criminal cases;"
 (S. 40.) "An act to amend the act extending the Charter of the Bank of Middlebury;" and
 (S. 7.) "An act in addition to the acts relating to Common Schools."

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate that he has this day approved and signed bills of the following titles, to wit:

- (S. 7.) "An act in addition to the acts relating to Common Schools."
 (S. 19.) "An act providing for the service of Trustee Process."
 (S. 18.) "An act extending the jurisdiction of Sheriffs in Criminal Cases."
 (S. 36.) "An act to incorporate the Corinth Academical Institute and County Grammar School."
 (S. 40.) "An act to amend the act extending the Charter of the Bank of Middlebury."

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for the distribution of the Second Annual Report of the State Geologist, in which they request the concurrence of the Senate.

(H. 67.) The House have considered the amendment of the Senate to the House bill entitled "An act in relation to the sale of Real Estate by executors, in addition to Chapter 48 of the Revised Statutes," and have resolved to concur in the same.

The Governor has announced to the House that he has, this day, approved and signed bills of the following titles, namely:

- (H. 8.) "An act in relation to suits upon Official Bonds."
 (H. 27.) "An act to repeal an act entitled 'An act to repeal the laws giving a bounty on the destruction of Bears, Wolves, and Panthers,' approved, Nov. 6, 1845." And
 (H. 60.) "An act to annex a part of the town of Waitsfield to the town of Northfield."

Mr. Bradley moved that Mr. Onion, one of the Senators from Chittenden County, have leave of absence from the Senate, from and after to-morrow morning, during the remainder of the Session.

And the leave asked was granted.

The resolution from the House of Representatives providing for a distribution of the Second Annual Report of the State Geologist, as follows: 200 copies to the State Geologist for distribution.

75 copies for his Assistants.

40 copies to the State Library; and

295 copies to the Governor for distribution to the Governors of the several States and Territories, and to the Colleges and Academies in this State, and others at his discretion,

Was read and passed in concurrence.

(S. 10.) The Senate proceeded to consider the amendment of the House of Representatives to the Senate bill entitled "An act to amend an act in addition to Chapter 41 of the Revised Statutes," which amendment is as follows :

"Strike out the title of the bill, and insert, "*An act providing for writs of Attachment in cases where tenants hold over.*"

And it was

Resolved, To concur in said amendment.

On motion of Mr. Bell,
The Senate adjourned.

TUESDAY, OCTOBER 27, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—I am directed to transmit to the Senate the Report of the Committee appointed by joint resolution of both Houses of the Legislature, at the last session thereof, to examine the accounts of General James Morse, relating to the assessment of fines, and disbursement of the same under the Militia Laws of 1837, 1839, and 1840.

(H. 77.) The House have passed a bill entitled, "An act to pay James Morse the sum therein mentioned," in which they request the concurrence of the Senate.

On motion of Mr. Bradley, it was

Ordered, That a message be sent to the House of Representatives requesting them to return to the possession of the Senate the resolution relating to a distribution of the Second Annual Report of the State Geologist, which was yesterday sent to the House with the concurrence of the Senate in the passage thereof.

The Secretary performed this service.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—I am directed to return to the possession of the Senate, agreeably to their request, the resolution relating to a distribution of the Second Annual Report of the State Geologist.

The Senate then proceeded to consider said resolution.

Mr. Howe moved that the vote of yesterday, passing the same, be reconsidered.

And it was so ordered.

And, on motion of Mr. Bradley, said resolution was referred to the Committee on Finance.

(S. 92.) Mr. Burton, from the Judiciary Committee, to whom was referred the bill entitled "An act allowing an appeal to be taken in certain cases before Justices of the Peace," reported the same, with the opinion of the Committee that it ought *not* to pass.

And the question being taken,

The third reading thereof was refused.

The report of the Joint Committee on the Accounts of General James Morse, was read.

(H. 77.) The House bill No. 77, accompanying said Report, was read twice and referred to the Committee under the Fifth Joint Rule.

(S. 43.) Mr. Foster, from the Judiciary Committee, to whom was referred the bill entitled "An act in addition to Chapter 29 of the Revised Statutes, entitled 'Of Proceedings against Trustees,'" reported the same adversely to its passage.

And, on motion of Mr. Kimball, said bill was

Ordered, To lie upon the table.

Mr. Miner presented the following resolution :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of providing by law that when an individual's property is attached on *mesne process*, the same shall be disposed of and applied on the debts of all the creditors of said debtor.

And it was read and passed.

(S. 21.) Mr. Foster, from the Judiciary Committee, to whom was referred the bill entitled "An act in addition to Chapter 26 of the Revised Statutes, entitled 'Of Justices of the Peace,'" reported the same adversely to the passage thereof.

And, on motion of Mr. Cushman, said bill was

Ordered, To lie upon the table.

(S. 35.) Mr. Fox, from the Committee on Education, to whom was referred the bill entitled "An act in addition to an act relating to the Grand List," reported the same with an amendment, as follows : Strike out all after the enacting clause, and insert :

"Any person within this State who is accustomed to attend upon and prescribe for the sick or diseased, shall be deemed and construed to come within the purview of Section 2 of an act in addition to, and in alteration of, an act relating to the Grand List, approved Nov. 11, 1842, so far as regards assessment and being placed on the Grand List."

And the amendment was adopted, and the bill, as amended,

Ordered, To be engrossed and read the third time.

(H. 77.) Mr. Miner, from the Committee under the 5th Joint Rule, to whom was referred the House bill entitled "An act to pay James Morse the sum therein mentioned," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

And, on motion of Mr. Chittenden, it was

Ordered, That said bill be laid upon the table, and be made the special order for this afternoon at 2 o'clock.

(H. 31.) Mr. Cushman, from the Committee on Military Affairs, to whom was re-committed the House bill entitled "An act relating to Staff Officers of the Militia," reported the same with the proposal to

amend by striking out from the 2d line the figures "47," referring to the 47th section of the Militia Law of 1842, and, thus amended, they recommended its passage.

And the question being taken,

The amendment was adopted.

And the bill, as amended, was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(H. 74.) Mr. Simonds, from the Committee on Manufactures, to whom was referred the House bill entitled "An act to incorporate the Granite Manufacturing Company," reported the same, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

On motion of Mr. Vilas, it was

Ordered, That the vote refusing the third reading of the bill (S. 11) entitled "An act in addition to Chapter 26 of the Revised Statutes," be re-considered.

And the said bill was, thereupon,

Ordered, To be engrossed and read the third time.

(H. 58.) Mr. Howe, from the Select Committee to whom was referred the House bill entitled "An act to annex a part of the town of Dummerston to the town of Putney," reported the same, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

On motion of Mr. Vilas,

(H. 71.) The Senate took up the House bill entitled "An act relating to the removal of Paupers," and proceeded further to consider their amendment thereto, which had been returned from the House of Representatives with their non-concurrence therein.

And, on motion of Mr. Vilas, it was

Resolved, That the Senate *insist* on their amendment, and ask a free conference on the disagreeing votes of the two Houses thereon.

The President appointed Messrs. Vilas, Hodges and Cushman, managers of said free conference on the part of the Senate.

Mr. Smith introduced the following bills, which were severally read twice and referred, to wit:

(S. 49.) "An act in relation to Highways and Bridges," to the Committee on Roads and Canals; and

(S. 50.) "An act relating to married women," to the Committee on the Judiciary.

(H. 45.) Mr. Rich, from the Committee on Finance, to whom was referred the House bill entitled "An act to abolish the salary of the

Treasurer as Commissioner of the School Fund," reported the same with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was, thereupon, read the third time, and

Passed in concurrence.

(H. 109.) Mr. Bemis, from the Select Committee, to whom was referred the House bill entitled "An act to incorporate the Groton and Ryegate Mining Company," reported the same with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

On motion of Mr. Cushman,

(S. 21.) The bill on the table entitled "An act in addition to Chapter 26 of the Revised Statutes, entitled 'Of Justices of the Peace,'" was taken up.

Mr. Cushman moved to amend the bill by adding thereto an additional Section, as follows :

"Section 3. *The Justice before whom such suit shall be brought, shall, on naming the Justice, and transferring the suit to such Justice for trial, make a certificate on the writ stating such transfer, and the cause therefor, over his official signature; and no Justice shall have jurisdiction in such suit without such certificate being so endorsed and signed upon such writ.*"

And the said amendment was adopted, and the bill, as amended,

Ordered, To be laid upon the table, and be made the special order for this afternoon at 2 o'clock.

On motion of Mr. Miner,

The Senate adjourned.

AFTERNOON.

(S. 37.) Mr. Clapp, from the Committee on Elections, to whom was referred the bill entitled "An act relating to the election of Town Representatives," reported the same, with the proposal to amend as follows :

Strike out Section 2, and insert in lieu thereof, "*Section 2. If on the third ballot there shall be no choice of a representative, the meeting may be dissolved, by a vote of two thirds of the freemen present.*" Also

Strike out from the 3d section the words "*comes in contact,*" and insert the words, in lieu thereof, "*is inconsistent.*"

And the question being taken, the amendments were severally adopted.

Mr. Vilas moved that the bill be indefinitely postponed.

And subsequently withdrew that motion, and moved that the bill be re-committed to the Committee on Elections.

And the question being taken,
It was decided in the affirmative.
So the bill was re-committed.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives have resolved to agree to the free conference requested by the Senate on the disagreeing votes of the two Houses on the amendment to the bill (H. 71) entitled "An act relating to the removal of Paupers;" and they have appointed Messrs. Miner of Manchester, Russell of Burlington, and Tyler, managers of the same on their part.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate that he has this day approved and signed the bill (S. 10) entitled "An act providing for writs of attachment in cases where tenants hold over."

The hour provided for a Joint Assembly to elect a Bank Commissioner and Bank Committee for the year ensuing, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor for his approval and signature, bills of the following titles, to wit:

(S. 10.) "An act providing for writs of attachment in cases where tenants hold over." And

(H. 67.) "An act in relation to the sale of real estate by executors or administrators, in addition to Chapter 48 of the Revised Statutes."

Mr. Miner presented the following resolution:

Resolved, That a Committee of six, consisting of one member from each Judicial District, be appointed by the President of the Senate, whose duty it shall be to present to the Senate the names of three suitable persons to be inserted in a Joint Resolution, now before the Senate, relative to the State Prison, instead of a Committee to be appointed by the Governor.

And it was read and passed.

(S. 51.) Mr. Rich introduced a bill entitled "An act assessing a tax on the County of Addison."

And it was read twice, and,

On motion of Mr. Rich,

Referred to the Senators from Addison County.

On motion of Mr. Hibbard,
The Senate adjourned.

WEDNESDAY, OCTOBER 28, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President announced the appointment of Messrs. Hodges, Cushman, Rich, Vilas, Miner, and Bemis, as the Select Committee directed to be raised by the resolution of Mr. Miner, on the journal of yesterday, relating to the State Prison.

(S. 52.) Mr. Harrington introduced a bill entitled "An act granting a Ferry to James Brimmer."

And it was read twice, and referred to the Committee on Roads and Canals.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—"The House of Representatives have considered the amendment of the Senate to the resolution relative to the final adjournment of the General Assembly, and have resolved to concur in the same with an amendment; in which amendment they request the concurrence of the Senate.

(H. 67) The Governor has announced to the House that he did, on the 27th inst., approve and sign the bill entitled "An act in relation to the sale of real estate by executors or administrators, in addition to Chapter 48 of the Revised Statutes."

(S. 23.) The House concur with the Senate in passing the bill entitled "An act in addition to Chapter 81 of the Revised Statutes, in relation to Religious and other Societies."

The House have passed bills of the following titles:

(H. 83.) "An act in relation to the real estate of Insane persons, in addition to Chapter 44 of the Revised Statutes."

(H. 18.) "An act in addition to Chapter 20 of the Revised Statutes, relating to Highways."

(H. 96.) "An act to alter the name of John Chauncey Chandler." And

(H. 114.) "An act appointing an agent to defend a suit at law therein mentioned."

And a resolution authorizing the Reporter of the Decisions of the Supreme Court to insert in his Reports such Decisions of the U. S. District and Circuit Courts as may be furnished to him by the Judges of those Courts.

In which bills and resolution they request the concurrence of the Senate.

(H. 31.) The House have considered the amendment of the Senate to the House bill entitled "An act relating to Staff Officers of the Militia," and have resolved *not* to concur therein.

(H. 77.) The Senate took up the special order for yesterday afternoon, being the House bill entitled "An act to pay James Morse the sum therein mentioned."

And, on motion of Mr. Nash, said bill was
Re-committed to the Committee under the 5th Joint Rule.

(S. 21.) The Senate took up the special order, being the bill entitled "An act in addition to Chapter 26 of the Revised Statutes, entitled 'Of Justices of the Peace.'"

Several amendments were proposed to said bill, and before taking the question thereon,

On motion of Vilas,
Said bill was indefinitely postponed.

(S. 35.) The engrossed bill entitled "An act in addition to an act relating to the Grand List,"

Was read the third time and passed.

(S. 20.) The engrossed bill entitled "An act to incorporate the Bank of Brandon,"

Was read the third time.

Mr. Kimball moved to lay said bill upon the table.

And the question being taken,

It was decided in the affirmative: { Yeas 19,
Nays 8.

The yeas and nays, being demanded by Mr. Bradley, were as follows:

Those Senators who voted in the affirmative are Messrs. Bemis, Burton, Clapp, Cram, Fifield, Foster, Fox, Harrington, Hodges, Howe, Kimball, Miner, Morse, Page, Rich, Robinson, Simonds, Smith, and Vilas.

Those Senators who voted in the negative are Messrs. Bell, Birchard, Bradley, Brownell, Chittenden, Cushman, Hibbard, and Nash.

So the bill was

Ordered, To lie upon the table.

The Senate proceeded to consider the amendment of the House of Representatives to the amendment of the Senate to the resolution providing for a day for the final adjournment of the General Assembly.

And, on motion of Mr. Chittenden, said resolution and amendment were

Ordered, To lie upon the table.

On motion of Mr. Rich,

The Senate proceeded to elect a Senator to serve on the Committee on Finance, to supply the vacancy occasioned by the absence of Mr. Onion.

The ballots having been taken and examined,

Mr. Cushman was found to be elected.

(H. 5.) Mr. Hodges, from the Committee on Claims, to whom was referred the House bill entitled "An act to pay Sophia S. Allen the sum therein mentioned," reported the same, with the opinion of the Committee that it ought to pass.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(S. 52.) Mr. Harrington, from the Committee on Roads and Canals, to whom was referred the bill entitled "An act granting a Ferry

to James Brimmer," reported the same without amendment, and recommended the passage of the bill.

And it was

Ordered, To be engrossed and read the third time.

The following bills from the House of Representatives were severally read the first and second times, and referred :

(H. 18.) House bill No. 18 to the Committee on Roads and Canals.

(H. 83.) House bill No. 83,

(H. 96.) House bill No. 96, and

(H. 114.) House bill No. 114, to the Judiciary Committee.

The resolution from the House of Representatives, authorizing the Reporter of the Decisions of the Supreme Court to publish with his Reports such Decisions of the U. S. District and Circuit Courts as may be gratuitously furnished to him by the Judges of those Courts,

Was read and passed in concurrence.

On motion of Mr. Nash,
The Senate adjourned.

AFTERNOON.

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles, to wit :

(S. 23.) "An act in addition to Chapter 81 of the Revised Statutes, in relation to religious and other societies."

(H. 45.) "An act to abolish the salary of the Treasurer as Commissioner of the School Fund."

(H. 58.) "An act to annex a part of the town of Dummerston to the town of Putney."

(H. 74.) "An act to incorporate the Granite Manufacturing Company." And

(H. 109.) "An act to incorporate the Groton and Ryegate Mining Company."

The following communication from the Governor was received by the hands of Mr. Billings, Secretary of Civil and Military Affairs: (See Appendix, E.)

And the said communication was read, and, together with the accompanying Documents, being a report of Henry Stevens relative to early Historical Documents of this State, and a communication from Wiley and Putnam of the City of New York, and from the Secretary of State, referred to the Committee under the 5th Joint Rule.

(S. 53.) Mr. Smith introduced a bill entitled "An act to reduce the capital stock of the Bank of Rutland."

And it was read twice and referred to the Committee on Banks.

(S. 41.) Mr. Vilas, from the Judiciary Committee, to whom was re-

committed the bill entitled "An act relating to the misapplication and embezzlement of trust funds," reported the same, with the proposal to amend, as follows:

Amend the title of the bill, by striking out the words "the misapplication and embezzlement of;"

Strike out in Section 1, from the 5th line, after the word "money," the words "or other property;"

Also, in the 10th line, same section, strike out the words "and certify;"

Also, in 16th and 17th lines, same section, the words "or other property."

And, thus amended, they recommended the passage of the bill.

And the question being taken, the said amendments were adopted.

And the bill, as amended, was

Ordered, To be engrossed and read the third time.

(S. 54.) Mr. Bradley introduced a bill entitled "An act relating to reporting the decisions of the Supreme Court."

And it was read twice and referred to the Judiciary Committee.

(S. 42.) Mr. Burton, from the Judiciary Committee, to whom was referred the bill entitled "An act in addition to an act in relation to the Grand List," reported the same adversely to the passage thereof.

And, on motion of Mr. Howe, said bill was

Ordered, To lie upon the table.

(S. 38.) Mr. Fox, from the Select Committee, to whom was referred the bill entitled "An act to prevent imposition and accident in the sale of medicine," reported the same with the proposal to amend as follows:

Add to Section 5, the words "*and shall keep such poisons separate from all other medicine.*"

And thus amended, they recommended the passage of the bill.

And the question being taken, the amendment was adopted.

And, on motion of Mr. Foster, said bill was

Ordered, To lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives have passed a resolution prohibiting the exportation from the village of Montpelier of any Books, Records, or Files, belonging to the State and in the custody of the Secretary of State; in which they request the concurrence of the Senate.

The Governor has announced to the House of Representatives, that he has this day approved and signed bills of the following titles:

(H. 45.) "An act to abolish the salary of the Treasurer as Commissioner of the School Fund;"

(H. 58.) "An act to annex a part of the town of Dummerston to the town of Putney;"

(H. 74.) "An act to incorporate the Granite Manufacturing Company;" and

(H. 109.) "An act to incorporate the Groton and Ryegate Mining Company."

(H. 77.) Mr. Miner, from the Committee under the 5th Joint Rule,

to whom was re-committed the House bill entitled "An act to pay James Morse the sum therein mentioned," again reported the same without amendment.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,
Passed in concurrence.

(H. 31.) The Senate proceeded further to consider their amendment to the House bill entitled "An act relating to Staff Officers of the Militia," which had been returned to the Senate with the non-concurrence of the House therein.

And it was

Resolved, To insist on the said amendment.

The resolution from the House prohibiting the exportation from Montpelier of any Books, Records, or Files, in the custody of the Secretary of State, belonging to the State, was read.

And, on motion of Mr. Fox,

Referred to the Judiciary Committee.

Mr. Nash called up the resolution on the table, fixing a day for the final adjournment of the Legislature, together with the amendment of the House of Representatives to the amendment of the Senate thereto, as follows:

Strike out the words, "*Thursday, 29th inst.*," and insert "*Tuesday the 3d of Nov., at 7 o'clock, A. M.*"

And the question being taken, the amendment of the House was concurred in.

The following engrossed bills were severally read the third time and disposed of as follows:

(S. 52.) "An act granting a Ferry to James Brimmer,"

Was passed.

(S. 11.) "An act in addition to Chapter 26 of the Revised Statutes,"

Was, on motion of Mr. Burton,

Ordered, To lie upon the table.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate that he has this day approved and signed a bill (S. 23.) entitled "An act in addition to Chapter 81 of the Revised Statutes, in relation to Religious and other Societies."

(S. 46.) Mr. Vilas, from the Judiciary Committee, to whom was referred the bill entitled "An act concerning parties in actions at law," reported the same adversely to the passage thereof.

And the question being taken,

The third reading of said bill was refused.

Mr. Harrington presented the following resolution:

Resolved, by the Senate and House of Representatives, That no bills or petitions be introduced into either House after Friday morning next, except from Committees on matters referred to them.

And it was read and passed.

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles :

(H. 77.) "An act to pay James Morse the sum therein mentioned;" and

(H. 5.) "An act to pay Sophia S. Allen the sum therein mentioned."

On motion of Mr. Nash,
The Senate adjourned.

THURSDAY, OCTOBER 29, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

Mr. PRESIDENT :—The House of Representatives have passed a resolution inviting Mr. Weld, the Principal of the Asylum for the Deaf and Dumb at Hartford, to appear before the two Houses, and make such an exhibition of the improvement of his pupils as he may think proper; in which resolution they request the concurrence of the Senate.

(S. 33.) The House have passed the bill entitled "An act to improve the management of State Finances," with amendments; in which amendments they request the concurrence of the Senate.

(S. 55.) Mr. Burton introduced a bill entitled "An act in alteration of an act relating to licenses to Innkeepers and Retailers."

And it was read twice and referred to the Committee on Finance.

(S. 56.) Mr. Rich introduced a bill entitled "An act relating to the duties of the Directors of the State Prison."

And it was read twice and referred to the Committee on Finance.

(S. 41.) The engrossed bill entitled "An act relating to trust funds," was read the third time and passed.

(S. 39.) Mr. Burton, from the Judiciary Committee, to whom was referred the bill entitled "An act altering the time of holding the County Court in the County of Windsor," reported the same, and recommended its passage.

And it was

Ordered, To be engrossed and read the third time.

(S. 53.) Mr. Bradley, from the Committee on Banks, to whom was referred the bill entitled "An act to reduce the Capital Stock of the Bank of Rutland," reported the same, with the opinion of the Committee that it ought *not* to pass.

And, on motion of Mr. Vilas, it was

Ordered, To lie upon the table.

The resolution from the House of Representatives, inviting Mr. Weld, the Principal of the Asylum for the Deaf and Dumb at Hartford, to appear before the two Houses, on the floor of the House of Representatives, with a portion of the pupils of that Institution, and make such exhibition as he should think proper of their improvement and progress,

Was read and passed in concurrence.

Mr. Foster, from the Judiciary Committee, who were instructed, by the resolution presented by Mr. Miner, on the journal of the 27th inst., to inquire into the expediency of providing by law for a certain distribution of the effects of a debtor, reported that they had had the subject referred to them under consideration, and were of opinion that, at this late period in the session, it is not expedient to recommend legislative action thereon.

(H. 34.) Mr. Foster, from the same Committee, to whom was referred the House bill entitled "An act relating to the Judiciary," reported the same adversely to its passage.

And the question being taken,

The third reading thereof was refused.

(S. 33.) The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act to improve the management of the State Finances," which amendments are as follows :

Add to Section 23 as follows : "*And the Treasurer shall pay no order bearing date over three years previous to the time when the same is presented to him;*" and also add a new Section as follows :

"Section 28. *This act shall take effect from its passage; Provided, that the Chief Justice of each County Court shall act as Court Auditor in such County until the next session of the Supreme Court therein.*"

And the question being taken, it was

Resolved, To concur in said amendments.

On motion of Mr. Foster,

(S. 46.) The vote by which the third reading was refused on the bill entitled "An act concerning parties in actions at law," was reconsidered.

And, on motion of Mr. Smith, said bill was

Ordered, To lie upon the table.

(H. 42.) Mr. Burton, from the Judiciary Committee, to whom was referred the House bill entitled "An act altering the name of Charles Alfred Hills," reported the same, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(S. 3.) Mr. Nash, from the Committee on Banks, to whom was referred the bill entitled "An act to incorporate the Green Mountain Bank," reported the same adversely to its passage.

And, on motion of Mr. Hodges, said bill was
Re-committed to the Committee on Banks.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have considered the resolution from the Senate relative to the introduction of bills and petitions in either House after to-morrow morning, and have passed the same in concurrence.

The Governor has announced to the House that he did, yesterday, approve and sign bills of the following titles :

(H. 5.) "An act to pay Sophia S. Allen the sum therein mentioned," and

(H. 77.) "An act to pay James Morse the sum therein mentioned."

(S. 50.) "Mr. Vilas, from the Judiciary Committee, to whom was referred the bill entitled "An act relating to married women," reported the same, with the proposal to amend as follows :

Strike out the words "any law or usage to the contrary notwithstanding."

And thus amended, they recommended the passage thereof.

And the said amendment was adopted.

And the bill, as amended,

Ordered, To be engrossed and read the third time.

(S. 34.) Mr. Hodges, from the Committee on Claims, to whom was referred the bill entitled "An act to pay Sylvanus Ripley the sum therein mentioned," asked that the Committee be discharged from further consideration thereof, on the ground that a law of the State precludes the allowance and payment of the claim presented by the bill.

And the question being, Shall the Committee be discharged?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 5.} \\ \text{Nays 16.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Smith, were as follows :

Those Senators who voted in the affirmative are Messrs. Fox, Harrington, Miner, Nash, and Rich.

Those Senators who voted in the negative are Messrs. Bell, Bemis, Birchard, Burton, Clapp, Fifield, Foster, Hibbard, Hodges, Howe, Kimball, Page, Robinson, Simonds, Smith, and Vilas.

So the Committee were not discharged.

(S. 39.) The engrossed bill entitled "An act altering the time of holding the County Court for the County of Windsor," was read the third time and passed.

On motion of Mr. Burton,
The Senate adjourned.

AFTERNOON.

(H. 85.) Mr. Foster, from the Select Committee, to whom was referred the House bill entitled "An act to incorporate the Franklin County Mutual Fire Insurance Company," reported the same and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon, passed in concurrence.

(H. 68.) Mr. Foster, from the same Committee, to whom was referred the House bill entitled "An act to punish unlawful attempts to cause abortion," reported the same with the proposal to amend by striking out the last section of the bill.

And thus amended, they recommended its passage.

And the proposed amendment was adopted.

And, thus amended, the bill was

Ordered, To be read the third time.

And it was read the third time, and, thereupon, passed in concurrence.

(S. 30.) Mr. Burton, from the same Committee, to whom was referred the bill entitled "An act altering the name of Franklin Wilkins," reported the same, and recommended its passage.

And it was

Ordered, To be engrossed and read the third time.

Mr. Kimball, from the Committee under the 5th Joint Rule, to whom was referred the Report of the Commissioner for the Deaf, Dumb, and Blind, reported that, in the opinion of the Committee, no legislative action is required thereon.

The following communication was received from the Governor, by the hands of Mr. Billings, Secretary of Civil and Military Affairs:

To the Senate:

I have the honor to inform the Senate that Charles Davis declines to accept the office of Judge of Probate for the District of Caledonia, to which he has been elected by the Joint Assembly for the ensuing political year.

EXECUTIVE CHAMBER, }
October 29, 1846. }

HORACE EATON.

Mr. Kimball, from the Committee under the 5th Joint Rule, to whom was referred the communication of the Librarian of Harvard University, reported thereon the following resolutions, and recommended the passage thereof:

Resolved, by the Senate and House of Representatives, That the Librarian of the State be authorized to furnish the Librarian of Harvard University, in the Commonwealth of Massachusetts, one copy of all the Statutes and public Journals and public Documents of the State, that

have been, or may hereafter be published, which can, in the opinion of his Excellency, the Governor, be furnished without detriment to the State, to be deposited in the Library of said University.

Resolved, further, That his Excellency, the Governor, be requested to transmit a copy of the above resolution to the Librarian of Harvard University.

And the resolutions were read and passed.

(S. 57.) Mr. Vilas introduced a bill entitled "An act relating to Paupers."

And it was read twice and referred to the Judiciary Committee.

Mr. Nash, from the Committee on Banks, to whom was re-committed the bill entitled "An act to incorporate the Green Mountain Bank," reported the same, with no expression of the opinion of the Committee thereon.

And, before taking the question,

The hour to which the Joint Assembly for the election of County Officers was adjourned, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

Resumed consideration of said bill.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas 19,} \\ \text{Nays 8.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative are Messrs. Bell, Bellows, Bemis, Birchard, Brownell, Burton, Chittenden, Clapp, Cram, Cushman, Hibbard, Hilton, Hodges, Kimball, Morse, Nash, Page, Simonds, and Smith.

Those Senators who voted in the negative are Messrs. Bradley, Field, Fox, Harrington, Howe, Miner, Robinsen, and Vilas.

So the bill was

Ordered, To be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—I am directed to transmit to the Senate the Report of the Commissioner for the Insane, which has been heretofore communicated to the House of Representatives.

(H. 31.) The House have further considered the amendment of the Senate to the bill entitled "An act relating to Staff Officers of the Militia," and have resolved to *insist* on their disagreement to the same.

The Senate proceeded again to consider the said amendment to the bill entitled "An act relating to Staff Officers of the Militia."

And it was

Resolved, To *adhere* thereto.

(H. 71.) Mr. Vilas, from the Committee of Free Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill entitled "An act relating to the removal of Paupers," submitted the following Report :

To the Senate :

The undersigned, Managers on the part of the Senate at a Free Conference agreed to on the disagreeing votes of the two Houses on the amendment adopted by the Senate to the bill from the House of Representatives, entitled "An act relating to the removal of Paupers," respectfully report :

That they have met the Managers on the part of the House, and that, after free discussion and deliberation, the Conference have been unable to agree upon any proposition respecting the amendment in question to submit to their respective Houses. The undersigned are of the opinion that the Senate should adhere to their amendment.

LEVI B. VILAS,
GEORGE T. HODGES,
ARTEMAS CUSHMAN.

And, the said amendment being further considered, it was

Resolved, To *adhere* thereto.

(S. 55.) Mr. Smith, from the Committee on Finance, to whom was referred the bill entitled "An act in alteration of an act relating to licenses to Innkeepers and Retailers," reported the same, with the proposal to amend, as follows :

Strike out from the 4th section the words "*as is inconsistent with this act*," and insert in lieu thereof the words "*which authorizes the County Commissioners to license victualling houses, shops, or cellars, provided for by this act*."

And, thus amended, they recommended the passage of the bill.

And the question being taken,

The said amendment was adopted, and the bill, as amended,

Ordered, To be engrossed and read the third time.

(S. 54.) Mr. Burton, from the Judiciary Committee, to whom was referred the bill entitled "An act relating to reporting the decisions of the Supreme Court," reported the same, and recommended its passage.

And, on motion of Mr. Smith, said bill was

Ordered, To lie upon the table.

On motion of Mr. Smith, it was

Ordered, That when the Senate adjourn, it will adjourn to meet this evening at 7 o'clock.

(S. 38.) Mr. Foster called up the bill on the table, entitled "An act to prevent imposition and accident in the sale of Medicine."

And, on his motion, said bill was

Ordered, To be re-committed.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—I am directed to inform the Senate of the death of Mr. Richard Stevens, the returned member of the House of Representatives from Wheelock, which took place at his residence during the present Session.

I am also directed to inform the Senate that, as a testimonial of their respect for the memory of the deceased, the House have resolved now to adjourn.

Mr. Smith presented the following resolution :

Resolved, That the Senate have heard with regret the announcement of the death of Richard Stevens, a member of the House of Representatives, from the town of Wheelock, and that, as a testimonial of respect for his memory, the Senate do now adjourn.

And it was read and passed.

The Secretary communicated to the House of Representatives the said resolution.

Whereupon, the President pronounced the Senate adjourned.

EVENING.

The Senate met pursuant to adjournment, and proceeded to the Hall of the House of Representatives, in execution of a resolution of the two Houses, to witness an exhibition of the method and effect of the system of instruction for the Deaf and Dumb pursued at the American Asylum at Hartford, Conn., under the management of Mr. Weld, the Principal thereof.

And, having returned therefrom,

On motion of Mr. Bradley,
The Senate adjourned.

FRIDAY, OCTOBER 30, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 47.) Mr. Fox, from the Committee on Education, to whom was referred the bill entitled "An act to submit to the freemen of the State whether the act to abolish the School Fund shall be repealed," submitted the following Report thereon. [See Appendix, F.]

And the bill, on motion of Mr. Vilas, was

Ordered, To be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives concur with the Senate in passing the bill (S. 35.) entitled "An act in addition to an act relating to the Grand List."

The House have passed bills of the following titles :

- (H. 1.) "An act relating to Exemptions from Attachment ;"
- (H. 16.) "An act to incorporate the Battenkill Bank ;"
- (H. 20.) "An act for the suppression of Bowling Alleys ;"
- (H. 84.) "An act regulating certain fees for Sheriffs ;"
- (H. 105.) "An act to incorporate the Northfield Academy ;"
- (H. 113.) "An act to incorporate the Vermont Wrought Nail Company ;"
- (H. 122.) "An act appointing Commissioners to establish the boundary line between the towns of Stamford and Pownal ;" and
- (H. 128.) "An act to pay George M. Kidder the sum therein mentioned."

(H. 68.) The House have considered the amendment of the Senate to the bill entitled "An act to punish unlawful attempts to cause abortion," and have resolved to concur therein.

The House have passed in concurrence the resolutions from the Senate, directing the State Librarian to furnish to the Librarian of Harvard University, for preservation in the Library of that Institution, certain Journals and other Documents connected with the History of Vermont.

(S. 48.) Mr. Foster, from the Judiciary Committee, to whom was referred the bill entitled "An act altering the time for holding the County Court for the County of Washington," reported the same, without amendment, and recommended its passage.

And it was

Ordered, To be engrossed and read the third time.

(S. 58.) Mr. Rich introduced a bill entitled "An act providing for the distribution of the Auditor's Report."

And it was read twice and referred to the Committee on Finance.

Mr. Cushman, from the Committee on Finance, to whom was referred the resolution from the House of Representatives providing for a distribution of the Second Annual Report of the State Geologist, stated on the journal of the 26th inst., reported the same, with the proposal to amend, as follows :

Strike out all after the words, "*Resolved, by the Senate and House of Representatives,*" and insert as follows : "*That the Second Annual Report of the State Geologist be distributed in the following manner: one copy to each town in the State, to be deposited in the Town Clerk's office; 250 copies for the use of the General Assembly; 50 copies to the Governor; 100 copies to the State Geologist, and 5 copies to the State Library.*"

And, on motion of Mr. Smith, the resolution and amendment were

Ordered, To lie upon the table.

Mr. Smith presented the following resolution :

Resolved, by the Senate and House of Representatives, That the Sergeant-at-Arms be directed to call upon each of the members of the Senate and House of Representatives, and the officers of the two Houses, and procure a return of the Second Annual Report on the Geological Survey, and report to the two Houses the number he is unable to obtain.

And it was read, and, on motion of Mr. Rich,

Ordered, To be laid upon the table and made the special order for this afternoon at 2 o'clock.

(S. 49.) Mr. Harrington, from the Committee on Roads and Canals, to whom was referred the bill entitled "An act in relation to Highways and Bridges," reported the same, with the proposal to amend, as follows:

Strike out the fifth Section, and insert in lieu thereof, the following:

"Sec. 5. *Sections 1, 2, 3, and 4, of the act to which this is in addition, approved Nov. 11, 1842, are hereby repealed.*"

And, thus amended, they recommended the passage of the bill.

And the amendment proposed was adopted.

And, on motion of Mr. Cushman, the bill, as amended, was

Ordered, To lie upon the table.

(S. 59.) Mr. Miner introduced a bill entitled "An act to repeal 'An act to provide for a Geological Survey of the State.'"

And it was read twice and referred to the Committee on Finance.

(S. 57.) Mr. Foster, from the Judiciary Committee, to whom was referred the bill entitled "An act relating to Paupers," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be engrossed and read the third time.

The following bills from the House of Representatives were severally read the first and second times and referred:

(H. 1.) House bill No. 1, to the Committee on Agriculture;

(H. 16.) House bill No. 16, and

(H. 20.) House bill No. 20, to the Committee on Banks;

(H. 84.) House bill No. 84, to the Committee on the Judiciary;

(H. 105.) House bill No. 105, to the Committee on Education;

(H. 113.) House bill No. 113, to the Committee on Manufactures;

(H. 122.) House bill No. 122, to the Committee on Roads and Canals;

and

(H. 128.) House bill No. 128, to the Committee on Claims.

The following engrossed bills were severally read the third time and passed, to wit:

(S. 30.) "An act altering the name of Franklin Wilkins," and

(S. 50.) "An act relating to married women."

(S. 3) The engrossed bill entitled "An act to incorporate the Green Mountain Bank," was read the third time.

And, on motion of Mr. Brownell, the bill was

Ordered, To be committed to a Senator with instructions to amend the same, by adding thereto as follows:

"Section 10. *Said Bank shall at all times loan the amount required by the general laws in relation to loans to the State, and shall not receive more than four and one-half per centum per annum therefor.*"

And Mr. Brownell was appointed to make the amendment; and he reported the bill, amended agreeably to the instructions.

And, on motion of Mr. Bradley, said bill, as amended, was

Ordered, To be laid upon the table and made the special order for 2 o'clock this afternoon.

(S. 55.) The engrossed bill entitled "An act in alteration of an act relating to licenses to Innkeepers and Retailers,"

Was read the third time.

And, on motion of Mr. Vilas, said bill was

Ordered, To be laid upon the table, and made the special order for 2 o'clock this afternoon.

Mr. Bradley asked to be excused from service in the Senate for the remainder of the session, from and after to-morrow morning.

And the question being taken, the Senate refused so to excuse the Senator.

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, the following entitled bills :

- (S. 35.) "An act in addition to an act relating to the Grand List ;"
- (H. 42.) "An act to alter the name of Charles Alfred Hills ;"
- (H. 68.) "An act to punish unlawful attempts to cause Abortion ;" and
- (H. 85.) "An act to incorporate the Franklin County Mutual Fire Insurance Company."

On motion of Mr. Harrington,
The Senate adjourned.

AFTERNOON.

In the absence of the Lieutenant Governor, who had notified the Secretary of the Senate of his detention at his lodgings by illness, the Senate was called to order by the Secretary, who thereupon called upon Senators to proceed to the election of a President *pro tempore* ; and the

HON. LEVI B. VILAS,

a Senator from the County of Orange, was duly elected ; and he was, thereupon, sworn, and assumed the Chair.

The Secretary was directed to inform the House of Representatives of said election.

The President *pro tempore* laid before the Senate the Report of the Commissioner for the Insane.

And it was read as follows. [See Appendix, G.]

Mr. Hodges, from the Select Committee, appointed to select the names of three persons to be inserted in a resolution now before the Senate, relative to the State Prison, reported the names of Silas H. Jenison, Nathan Smilie, and David M. Camp, and recommended their insertion as aforesaid.

And, the question being taken, it was so ordered.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT :—I am directed by the Governor to announce to the Senate that he has this day approved and signed the bill (S. 35.) entitled "An act in addition to an act relating to the Grand List."

(S. 54.) The Senate took up the bill on the table entitled "An act relating to reporting the Decisions of the Supreme Court."

Aud, on motion of Mr. Hodges, said bill was

Ordered, To lie upon the table.

(S. 3.) The engrossed bill entitled "An act to incorporate the Green Mountain Bank," being the special order for this afternoon, was taken up.

And the question being, Shall the bill pass?

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas 20,} \\ \text{Nays 9.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Miner, were as follows :

Those Senators who voted in the affirmative are Messrs. Bell, Bellows, Bemis, Birchard, Brownell, Burton, Chittenden, Clapp, Cram, Cushman, Foster, Hibbard, Hilton, Hodges, Kimball, Morse, Nash, Page, Simonds, and Smith.

Those Senators who voted in the negative are Messrs. Bradley, Field, Fox, Harrington, Howe, Miner, Rich, Robinson, and Vilas.

So the bill passed.

The Senate took up a special order, being the resolution, on the journal of this morning, relative to collecting the copies of the Report on the Geological Survey.

And, on motion of Mr. Harrington, said resolution was

Ordered, To lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :--The House of Representatives have passed a bill (H. 75.) entitled "An act in relation to Railroads;" in which they request the concurrence of the Senate.

The House bill No. 75, was read the first and second times, and referred to the Committee on Roads and Canals.

(S. 53.) Mr. Chittenden called up the bill on the table entitled "An act to reduce the Capital Stock of the bank of Rutland."

And, on his motion, said bill was

Indefinitely postponed.

The following engrossed bills were severally read the third time, and passed.

(S. 48.) "An act altering the time for holding the County Court in the County of Washington;" and

(S. 57.) "An act relating to Paupers."

On motion of Mr. Miner,

The Senate adjourned.

SATURDAY, OCTOBER 31, 1846.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The Governor has announced to the House of Representatives that he did yesterday approve and sign the following entitled bills :

(H. 42.) "An act to alter the name of Charles Alfred Hills ;"

(H. 85.) "An act to incorporate the Franklin County Mutual Fire Insurance Company ;" and

(H. 68.) "An act to punish unlawful attempts to cause Abortion."

(S. 1.) The House concur with the Senate in passing the bill entitled "An act extending the Charter of the Farmers' Bank."

The House have passed bills of the following titles, to wit :

(H. 95.) "An act to incorporate the Bank of Brandon ;"

(H. 115.) "An act relating to Pedlers ;"

(H. 121.) "An act repealing Sections 2, and 3, of an act entitled 'An act in alteration of Chapter 21 of the Revised Statutes,' approved Nov. 11, 1842 ;"

(H. 130.) "An act making appropriations for the support of Government ;"

(H. 126.) "An act to establish a Female Seminary at Manchester ;"

(H. 131.) "An act to assess a tax for the support of Government ;"

(H. 132.) "An act authorizing the Treasurer to borrow the sum therein mentioned ;"

(H. 133.) "An act incorporating the Vergennes Tow Boat and Transportation Company ;"

(H. 141.) "An act for the relief of Harry Willard and James Willard ;"

(H. 140.) "An act to pay James Russell the sum therein mentioned ;" and

(H. 142.) "An act for the relief of the bail in the case of the State against James Murphy."

In which bills they request the concurrence of the Senate.

(S. 37.) Mr. Birchard, from the Committee on Elections, to whom was re-committed the bill entitled "An act relating to the election of Town Representatives," again reported the same, with the proposal to amend by striking out the second Section thereof ; and thus amended they recommended its passage.

Mr. Miner moved that the said bill be laid upon the table.

And the question being taken, it was decided in the negative.

And, on motion of Mr. Cushman, the said bill and amendment were *Ordered*, To lie upon the table.

The following bills from the House of Representatives were severally read the first and second times, and referred :

(H. 95.) House bill No. 95, and

(H. 133.) House bill No. 133, to the Committee on Banks ;

- (H. 115.) House bill No. 115,
- (H. 130.) House bill No. 130, and
- (H. 132.) House bill No. 232, to the Committee on Finance ;
- (H. 121.) House bill No. 121, to the Judiciary Committee ;
- (H. 126.) House bill No. 126, to the Committee on Education ;
- (H. 131.) House bill No. 131, to the Committee on Land Taxes ;
- (H. 140.) House bill No. 140,
- (H. 141.) House bill No. 141, and
- (H. 142.) House bill No. 142, to the Committee on Claims.

(H. 16.) Mr. Bradley, from the Committee on Banks, to whom was referred the House bill entitled "An act to incorporate the Battenkill Bank," reported the same without amendment, and recommended its passage.

And, on motion of Mr. Vilas, said bill was

Ordered, To lie upon the table.

(H. 20.) Mr. Bradley, from the same Committee, to whom was referred the House bill entitled "An act for the suppression of Bowling Alleys," reported the same, with the proposal to amend by striking out all after the enacting clause, and inserting a single section providing for the punishment of gambling, hazard, or adventure in Bowling Alleys in this State.

And, thus amended, they recommended the passage of the bill.

And, on motion of Mr. Smith, said bill and amendment were

Ordered, To lie upon the table.

(H. 113.) Mr. Simonds, from the Committee on Manufactures, to whom was referred the House bill entitled "An act to incorporate the Vermont Wrought Nail Company," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(H. 133.) Mr. Bradley asked that the Committee on Banks be discharged from the consideration of House bill No. 133, and that the same be referred to the Committee on Roads and Canals.

And it was so ordered.

(H. 95.) Mr. Bradley, from the Committee on Banks, to whom was referred the House bill entitled "An act to incorporate the Bank of Brandon," reported the same, without the expression of any opinion of the Committee thereon.

And said bill was laid on the table under the rule.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT :—I am directed by the Governor to announce to the Senate that he has this day approved and signed the bill (S. 1.) entitled "An act extending the Charter of the Farmers' Bank."

Mr. Kimball, from the Committee under the 5th Joint Rule, to whom were referred the Resolutions of the Legislature of Georgia relative to the difficulties which have arisen between the Commonwealth of Mas-

Massachusetts and the States of South Carolina and Louisiana, reported the same, with the following resolutions, the passage of which they recommended :

Resolved, by the Senate and House of Representatives of Vermont, That the General Assembly of Vermont dissent from the views presented in the Legislative Preamble and Resolves of the State of Georgia, in regard to the difficulties between Massachusetts and South Carolina and Louisiana, and that, in the opinion of the General Assembly, any member of the Confederacy which assumes to violate at pleasure the rights guaranteed by the Constitution to the citizens of other States, or to impair those rights by throwing impediments in the way of their legal vindication, justly exposes herself to the imputation of a violation of the public faith, inconsistent with the peace and safety of this Union.

Resolved, further, by the Senate and House of Representatives, That this General Assembly hold now, as did the Colonies in 1774, that it is essential to American Liberty that no man be condemned unheard, or punished for supposed offences without having an opportunity of making his defence; and that the imprisonment of any citizen of a sister State by the authority of another State in the Union, without the allegation of any crime, and solely on account of his color, is a palpable and gross violation of the federal Constitution.

And the resolutions were read, and,

On motion of Mr. Vilas,

Ordered, To lie upon the table.

(H. 84.) Mr. Burton, from the Judiciary Committee, to whom was referred the House bill entitled "An act regulating certain fees of Sheriffs," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(H. 18.) Mr. Harrington, from the Committee on Roads and Canals, to whom was referred the House bill entitled "An act in addition to Chapter 20 of the Revised Statutes, relating to Highways," reported the same adversely to its passage.

And, on motion of Mr. Smith, said bill was

Ordered, To lie upon the table.

(S. 58.) Mr. Rich, from the Committee on Finance, to whom was referred the bill entitled "An act providing for the distribution of the Auditor's Report," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be engrossed and read the third time.

(S. 47.) The engrossed bill entitled "An act to submit to the Free-men of the State whether the act to abolish the School Fund shall be repealed,"

Was read the third time.

Mr. Birchard moved that the said bill be indefinitely postponed.

And the question being taken,

It was decided in the affirmative: { Yes 21,
Nays 7.

The yeas and nays, being demanded by Mr. Vilas, were as follows :
Those Senators who voted in the affirmative are Messrs. Bell, Bel-
lows, Bemis, Birchard, Bradley, Brownell, Burton, Chittenden, Clapp,
Cram, Cushman, Foster, Fox, Hibbard, Hilton, Hodges, Howe, Kim-
ball, Morse, Rich, and Simonds.

Those Senators who voted in the negative are Messrs. Fifield, Har-
rington, Miner, Page, Robinson, Smith, and Vilas.

So the bill was indefinitely postponed.

On motion of Mr. Bradley, it was

Ordered, That when the Senate adjourns, it will adjourn to meet at 1
o'clock, P. M.

On motion,
The Senate adjourned.

AFTERNOON.

Mr. Fox, from the Committee on Education, to whom were referred
the following House bills, to wit :

(H. 105.) "An act to incorporate the Northfield Academy," and

(H. 126.) "An act to establish a Female Seminary at Manchester,"
reported the same without amendment, and recommended their passage.

And they were severally

Ordered, To be read the third time.

And they were severally read the third time, and, thereupon,
Passed in concurrence.

(H. 1.) Mr. Howe, from the Committee on Agriculture, to whom
was referred the House bill entitled "An act relating to Exemptions
from Attachment," reported the same adversely to its passage.

And, on motion of Mr. Vilas, said bill was

Ordered, To lie upon the table.

Mr. Foster, from the Judiciary Committee, to whom were referred
the House bills entitled :

(H. 79.) "An act in addition to Chapter 53 of the Revised Statutes,
entitled 'Of the Partition and Distribution of Estates ;'" and

(H. 83.) "An act in relation to the real estate of Insane persons,
in addition to Chapter 44 of the Revised Statutes," reported said bills
without amendment, and recommended the passage thereof.

And they were severally

Ordered, To be read the third time.

And the said bills were, thereupon, severally read the third time, and
Passed in concurrence.

(S. 59.) Mr. Rich, from the Committee on Finance, to whom was
referred the bill entitled "An act to repeal 'An act to provide for a Ge-
ological Survey of the State,'" reported the same adversely to its pas-
sage.

And the question being taken,

The third reading of the bill was refused.

(H. 16.) Mr. Chittenden called up the House bill on the table entitled "An act to incorporate the Battenkill Bank," and, on his motion, it was

Ordered, To lie upon the table, and be made the special order for this afternoon, at half-past 2 o'clock.

(H. 128.) Mr. Hodges, from the Committee on Claims, to whom was referred the House bill entitled "An act to pay George M. Kidder the sum therein mentioned," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(H. 133.) Mr. Harrington, from the Committee on Roads, to whom was referred the House bill entitled "An act incorporating the Vergennes Tow Boat and Transportation Company," reported the same without amendment, and recommended its passage.

And said bill was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(H. 70.) Mr. Cushman, from the Committee on Military Affairs, to whom was referred the House bill entitled "An act in relation to the enrolled Militia," reported the same adversely to its passage.

And, on motion of Mr. Burton, said bill was

Ordered, To lie upon the table.

(H. 75.) Mr. Bellows, from the Committee on Roads, to whom was referred the House bill entitled "An act in relation to Railroads," reported the same without amendment, and recommended its passage.

And, on motion of Mr. Smith, said bill was

Ordered, To lie upon the table.

On motion of Mr. Vilas,

(S. 54.) The Senate took up the bill on the table, entitled "An act relating to reporting the Decisions of the Supreme Court."

And moved to amend said bill, as follows :

Strike out all after the enacting clause, and insert the following :

"Section 1. The Treasurer of this State is hereby directed to withhold the payment of the last quarter of the salary due to each of the Judges of the Supreme Court in each year, until he shall receive a certificate in writing from the Judge claiming such payment, that he has complied with the provisions of Section fifty of Chapter eight of the Revised Statutes, or has been prevented from such compliance by reason of sickness or other unavoidable cause; and it is hereby made the duty of such Judge to furnish to the Treasurer on or before the first day of October, in each year, a certificate as aforesaid."

Mr. Foster moved that said bill and amendment lie upon the table.

And the question being taken, it was decided in the negative.

And the amendment was thereupon adopted, and the bill, as amended,

Ordered, To be engrossed and read the third time.

(S. 34.) Mr. Harrington, from the Committee on Claims, to whom was re-committed the bill entitled "An act authorizing the Treasurer to pay Sylvanus Ripley the sum therein mentioned," asked that the Committee be discharged from the further consideration thereof.

And the Committee were discharged.

And the bill

Ordered, To be engrossed and read the third time.

(S. 58.) The engrossed bill entitled "An act providing for the distribution of the Auditor's Report," was read the third time and passed.

The Senate took up the resolutions relative to the State Prison, stated on the journal of the 21st inst.

And the question being on the resolutions reported as a substitute by the Finance Committee, and spread upon the journal of the 24th inst., the said last mentioned resolutions were adopted as a substitute, and passed.

(S. 37.) Mr. Kimball called up the bill on the table entitled "An act relating to the election of Town Representatives."

And the question being, Shall the bill be engrossed and read the third time?

It was decided as follows :

{ Yeas 11.
{ Nays 11.

The Senate being equally divided on the question, the Secretary took the casting vote of the President, which was given in the negative.

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative are Messrs. Bell, Bel-
lows, Bemis, Birchard, Clapp, Cushman, Hilton, Kimball, Morse, Nash,
and Rich.

Those Senators who voted in the negative are Messrs. Bradley, Bur-
ton, Cram, Fifield, Foster, Hibbard, Howe, Miner, Simonds, Smith,
and Vilas:

So the third reading of the bill was refused.

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles, to wit :

(S. 33.) "An act to improve the management of State Finances ;"

(S. 1.) "An act extending the Charter of the Farmers' Bank ;"

(H. 113.) "An act to incorporate the Vermont Wrought Nail Com-
pany ;" and

(H. 84.) "An act regulating certain fees of Sheriffs."

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have considered the bill (S. 28.) from the Senate entitled "An act to establish the Grand Isle County Fire Insurance Company," and have passed the same with an amendment ; in which they request the concurrence of the Senate.

The House have passed bills of the following titles :

(H. 37.) "An act assessing a tax on the County of Addison ;"

(H. 64.) "An act laying a tax on the County of Orange ;" and

(H. 93.) "An act in relation to the Shire town of Orleans County," in which they request the concurrence of the Senate.

The Governor has announced to the House that he has this day approved and signed bills of the following titles :

lows : " *The Jury shall consist of three men, instead of the number now provided by law.*"

And it was so ordered ; and Mr. Vilas was appointed to perform the service.

And he reported the bill amended agreeably to instructions.

And the question then being, Shall the bill pass ?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 10.} \\ \text{Nays 16.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Cram, were as follows :

Those Senators who voted in the affirmative are Messrs. Bellows, Fifield, Fox, Harrington, Hibbard, Howe, Miner, Nash, Rich, and Vilas.

Those Senators who voted in the negative are Messrs. Bell, Bemis, Birchard, Burton, Chittenden, Clapp, Cram, Cushman, Foster, Hilton, Hodges, Kimball, Morse, Page, Simonds, and Smith.

So the bill was lost.

(S. 54.) The engrossed bill entitled " An act relating to reporting the Decisions of the Supreme Court," was read the third time.

Mr. Smith moved that the bill be committed to a Senator, with instructions to amend the same by inserting an additional Section as follows :

" Section 2. *The Judges of the Supreme Court shall, annually, on the Second Thursday in October in each year, meet at Montpelier, and revise the opinions delivered by the Supreme Court, and furnished to the Reporter, and designate such cases as the public good may require to be published ; and such cases only, so revised and designated as aforesaid, shall be published by the Reporter ; Provided, that this Section shall not extend to cases to be published in the next volume of the Reports.*"

And it was so ordered.

Mr. Smith was appointed to make the amendment.

And he reported the bill amended agreeably to the instructions.

And the question being taken,

The bill, as amended, was passed.

Mr. Fifield, a Senator from Orange County, on his own motion, was excused from further attendance in the Senate from and after Monday morning.

On motion of Mr. Kimball, it was

Ordered, That when the Senate adjourns, it will adjourn to meet at half past 6 o'clock this evening.

On motion of Mr. Howe,

The Senate adjourned.

EVENING.

The following engrossed bills were severally read the third time and passed :

(S. 34.) "An act authorizing the Treasurer to pay Sylvanus Ripley the sum therein mentioned ;" and

(S. 49.) "An act in relation to Highways and Bridges."

(S. 46.) The engrossed bill entitled "An act concerning Parties in Actions at law," was read the third time.

And the question being, Shall the bill pass ?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 13.} \\ \text{Nays 15.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative are Messrs. Bell, Bemis, Brownell, Chittenden, Cram, Cushman, Harrington, Howe, Kimball, Nash, Page, Rich, and Smith.

Those Senators who voted in the negative are Messrs. Bellows, Birchard, Bradley, Burton, Clapp, Fifield, Foster, Fox, Hibbard, Hilton, Hodges, Miner, Morse, Simonds, and Vilas.

So the passage of the bill was refused.

(S. 38.) The engrossed bill entitled "An act to prevent Imposition and Accident in the sale of Medicine," was read the third time.

Mr. Foster moved that the bill be committed to a Senator, with instructions to amend the same by adding thereto, a Section as follows :

"Section 7. *This act shall take effect on the 1st day of Nov. A. D. 1847.*"

And it was so ordered.

Mr. Foster was appointed to make the said amendment.

And he reported the bill, amended agreeably to the instructions.

And the bill, as amended, was thereupon passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT:—I am directed to transmit to the Senate the First Annual Report of the State Superintendent of Common Schools, which has heretofore been communicated to the House of Representatives.

The House have passed the following entitled bills :

(H. 88.) "An act relating to licenses to Innkeepers and Retailers;"

(H. 135.) "An act to annex a part of the towns of Rockingham and Grafton to the town of Athens ;"

(H. 143.) "An act laying a tax on the County of Bennington ;"

(H. 145.) "An act altering the names of certain persons therein mentioned ;"

(H. 146.) "An act constituting William Edwin Partch heir at law of William Rutherford ;"

(H. 136.) "An act to pay Stephen Royce the sum therein mentioned;"

(H. 101.) "An act in addition to Chapter 65 of the Revised Statutes, relating to sales of real estate of Minors and Insane persons;" and

(H. 94.) "An act to pay Nathaniel Daggett the sum therein mentioned;" in which bills they request the concurrence of the Senate.

(S. 28.) The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "An act to establish the Grand Isle County Fire Insurance Company."

And it was

Resolved, To concur therein.

The following bills from the House of Representatives, were severally read the first and second times, and referred :

(H. 88.) House bill No. 88, to the Committee on Education;

(H. 143.) House bill No. 143, to the Senators from Bennington County;

(H. 135.) House bill No. 135, to the Committee on Agriculture;

(H. 145.) House bill No. 145,

(H. 93.) House bill No. 93,

(H. 146.) House bill No. 146, and

(H. 101.) House bill No. 101, to the Judiciary Committee;

(H. 37.) House bill No. 37, to the Senators from Addison County;

(H. 64.) House bill No. 64, to the Senators from Orange County;

(H. 136.) House bill No. 136, and

(H. 94.) House bill No. 94, to the Committee on Claims.

(S. 43.) The bill on the table entitled "An act in addition to Chapter 29 of the Revised Statutes, entitled 'Of Proceedings against Trustees,'" was taken up, and,

On motion of Mr. Burton,

Indefinitely postponed.

(H. 131.) Mr. Hibbard, from the Committee on Land Taxes, to whom was referred the bill entitled "An act to assess a tax for the support of Government," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time.

And, on motion of Mr. Rich,

Ordered, To lie upon the table.

(H. 88.) Mr. Fox, from the Committee on Education, to whom was referred the House bill entitled "An act relating to Licenses to Innkeepers and Retailers," reported the same without amendment, and recommended its passage.

And the said bill lies on the table under the Rule.

The following bills on the table were taken up and indefinitely postponed, as follows :

(S. 13.) "An act relating to costs in civil actions," and

(S. 14.) "An act in amendment of Chapter 18 of the Revised Statutes."

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles :

(H. 128.) "An act to pay George M. Kidder the sum therein mentioned ;"

(H. 126.) "An act to establish a Female Seminary at Manchester ;"

(H. 133.) "An act incorporating the Vergennes Tow Boat and Transportation Company ;"

(H. 105.) "An act to incorporate the Northfield Academy ;"

(H. 83.) "An act in relation to the Real Estate of Insane persons in addition to Chapter 44 of the Revised Statutes ;"

(H. 79.) "An act in addition to Chapter 53 of the Revised Statutes, entitled 'Of Partition and Distribution of Estates ;' and

(S. 28.) "An act to establish the Grand Isle County Fire Insurance Company."

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The Governor has announced to the House of Representatives, that he has this day approved and signed bills of the following titles :

(H. 83.) "An act in relation to the Real Estate of Insane persons, in addition to Chapter 44 of the Revised Statutes ;"

(H. 105.) "An act to incorporate the Northfield Academy ;"

(H. 126.) "An act to establish a Female Seminary at Manchester ;"

(H. 128.) "An act to pay George M. Kidder the sum therein mentioned."

(H. 37.) Mr. Rich, from the Select Committee, to whom was referred the House bill entitled "An act assessing a tax on the County of Addison," reported the same without amendment, and recommended its passage.

And said bill lies on the table under the Rule.

Mr. Foster, from the Judiciary Committee, reported the following entitled House bills adversely to their passage.

And, on motion of Mr. Brownell, they were severally

Ordered, To lie upon the table ; to wit :

(H. 30.) "An act to restore Jeremiah Carr to his legal privileges ;"

(H. 36.) "An act to restore Myron Shaw to his legal privileges ;" and

(H. 51.) "An act to restore Peter Rosenbury to his legal privileges."

Mr. Foster, from the same Committee, reported the following House bills without amendment, and recommended their passage, to wit :

(H. 21.) "An act constituting Adelia Sophia Barber heir at law of Ephraim and Sally Griswold ;"

(H. 55.) "An act to alter the name of Clara Frances Vermont ;" and

(H. 96.) "An act to alter the name of John Chauncey Chandler."

And they were severally

Ordered, To be read the third time.

And they were read the third time, and, thereupon,

Passed in concurrence.

(H. 24.) Mr. Cram, from the Select Committee, to whom was referred the House bill entitled "An act to incorporate the Woodstock Mill Company," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(H. 95.) Mr. Smith called up the House bill on the table entitled "An act to incorporate the Bank of Brandon."

And the question being, Shall the bill be read the third time?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 10,} \\ \text{Nays 17.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative are Messrs. Bell, Bel-
lows, Birchard, Bradley, Brownell, Clapp, Cushman, Foster, Hibbard,
and Smith.

Those Senators who voted in the negative are Messrs. Bemis, Burton,
Cram, Fifeild, Fox, Harrington, Hilton, Hodges, Howe, Kimball, Mi-
ner, Morse, Nash, Page, Rich, Simonds, and Vilas.

So the third reading of said bill was refused.

On motion of Mr. Cushman,

The Senate adjourned.

MONDAY, NOVEMBER 2, 1846.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

(H. 95.) Mr. Howe moved that the vote by which the third reading of the House bill entitled "An act to incorporate the Bank of Brandon" was refused, be re-considered.

Mr. Smith moved that the motion to re-consider, the same having been reduced to writing, be laid upon the table.

And it was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 11,} \\ \text{Nays 15.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Hodges, were as follows :

Those Senators who voted in the affirmative are Messrs. Bell, Bel-
lows, Bemis, Brownell, Clapp, Cushman, Howe, Kimball, Robinson,
Smith, and Vilas.

Those Senators who voted in the negative are Messrs. Birchard, Bur-
ton, Chittenden, Cram, Foster, Fox, Harrington, Hibbard, Hilton,
Hodges, Miner, Morse, Nash, Rich, and Simonds.

So the motion was lost.

The question then recurring, Shall the vote refusing the third reading of said bill, be re-considered?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 11,} \\ \text{Nays 15.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Smith, were as follows: Those Senators who voted in the affirmative are Messrs. Bell, Bel- lows, Bemis, Birchard, Brownell, Clapp, Cushman, Hibbard, Howe, Kimball, and Smith.

Those Senators who voted in the negative are Messrs. Burton, Chit- tenden, Cram, Foster, Fox, Harrington, Hilton, Hodges, Miner, Morse, Nash, Page, Rich, Simonds, and Vilas.

So the Senate refused to re-consider the said vote.

Mr. Foster, from the Select Committee, to whom was referred so much of the Governor's message as relates to the subject of Slavery, asked that the Committee be discharged from the further consideration of the same, on the ground that the same subject had been referred to the Committee under the 5th Joint Rule.

And the question being taken, the Committee were discharged.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have passed a reso- lution directing the State Librarian to procure certain Books, for the Li- brary ; in which they request the concurrence of the Senate.

(H. 71.) The House have accepted the Report of the Conferees on the disagreeing votes of the two Houses on the bill entitled "An act re- lating to the removal of Paupers ;" and having further considered the amendment of the Senate to said bill, have resolved to *adhere to their disagreement thereto*.

(S. 41.) The House do *not* concur with the Senate in passing the bill entitled "An act relating to Trust Funds."

The House have considered the following entitled bills from the Sen- ate :

(S. 39.) "An act altering the time of holding the County Court in the County of Windsor," and

(S. 57.) "An act relating to Paupers ;" and have passed the same with amendments, in which they request the concurrence of the Senate.

The House concur with the Senate in passing bills of the following titles, to wit :

(S. 3.) "An act to incorporate the Green Mountain Bank ;"

(S. 17.) "An act extending the Charter of the Farmers' and Me- chanics' Bank ;"

(S. 29.) "An act relating to the assessment of damages ;"

(S. 30.) "An act altering the name of Franklin Wilkins ;"

(S. 48.) "An act altering the time for holding the County Court in the County of Washington ;" and

(S. 50.) "An act relating to Married Women ;" and have passed the same in concurrence.

(H. 64.) Mr. Vilas, from the Select Committee, to whom was re- ferred the House bill entitled "An act laying a tax on the County of Orange," reported the same, with the proposal to amend as follows :

Strike out from the Proviso to Section 5, all after the word "*expendi- tures*" to the word "*dollars*," and insert the words "*shall not exceed the*

sum of four thousand;" also, insert an additional Section, as follows :

"Section 6. *This act shall take effect from its passage.*"

And thus amended, they recommended the passage of the bill.

And the question being taken, the amendments were adopted.

And the bill, as amended, was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed.

(H. 16.) Mr. Chittenden called up the House bill on the table entitled "An act to incorporate the Battenkill Bank."

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

Mr. Miner, from the Committee under the 5th Joint Rule, to whom was referred the message of the Governor communicating the letters of Wiley and Putnam of New York, and of Henry Stevens, reported the following resolutions, and recommended their adoption :

1. *Resolved, by the Senate and House of Representatives*, That His Excellency the Governor, is hereby authorized to take such measures as he may deem expedient to procure one copy of the Statutes and Journals and State papers, of every description, printed by the General Assembly of this State, from the beginning of the Government to the present time, and cause the same to be delivered to the Agent of the Managers of the British Museum in the city of New York, upon such terms as he may consider just and equitable.

2. *Resolved*, That His Excellency the Governor, is hereby authorized to take such measures as he may deem expedient, to procure the originals, if practicable, if not, copies of all such documents in the public offices of Great Britain, or elsewhere in Europe, as in his judgment may serve to complete the records or illustrate the early history of this State, and that the Governor be authorized to draw his warrant on the Treasury, on the delivery of such papers.

3. *Resolved*, That His Excellency the Governor, is hereby authorized to take such measures as he may deem expedient, to procure the originals, if practicable, if not, copies of all such documents as may be found in the State Departments of other States, and in the hands of individuals, which go to illustrate the early history of this State, and that the Governor be authorized to draw his warrant on the Treasury, on the delivery of such papers, for such sums as he may think proper.

4. *Resolved*, That His Excellency the Governor, is hereby authorized to procure to be arranged and bound, such files in the State Department as he may consider worthy of preservation, from the origin of this Government up to the session of the General Assembly in October, A. D. 1800; and that the Governor be authorized to draw his warrant on the Treasury, when the same is accomplished to his satisfaction.

5. *Resolved*, That His Excellency the Governor, is hereby authorized to take such measures as he may consider necessary to secure the remaining papers pertaining to the Surveyor General's Department, and cause them to be arranged and bound into volumes, with a suitable index: also, cause the compass, chains, and instruments belonging to the State, to be deposited in the State Department; and that the Governor

be authorized to draw his warrant on the Treasury for such expenditures as he may consider just and proper.

6. *Resolved*, That the Governor be requested to appoint some suitable person, or commissioner, to examine the documents collected by Henry Stevens, Esq., as to the Revolutionary expenditures on the part of this State, and the documents as to the part this State took in the war of the Revolution, and ascertain whether this State has a just claim upon the Government of the United States for expenses incurred during said Revolutionary War; and, if in the opinion of the Governor the interest of the State requires it, to present such claims to Congress.

7. *Resolved*, That His Excellency the Governor, is hereby requested to examine, or cause to be examined, the historical collection of Henry Stevens, Esq., of Barnet, and if said collection can be procured upon terms satisfactory to His Excellency, His Excellency may cause the same to be deposited in the hall of the Library Room: and that His Excellency the Governor, be authorized to draw his warrant on the Treasury for such sum as may be mutually agreed upon, payable in annual payments.

8. *And, be it further Resolved*, That for the purpose of defraying the expenses of all the objects of the foregoing resolutions, the Governor shall not draw on the Treasury for an amount exceeding two hundred dollars.

And the resolutions were read and passed.

Mr. Miner presented the following resolution:

Resolved, That his Excellency the Governor be requested to communicate to the Senate the facts, so far as in his knowledge, of the publication and distribution of the Second Annual Report on the *Geology of Vermont*, and his views of the proper distribution of the same.

And it was read and passed.

(H. 140.) Mr. Harrington, from the Committee on Claims, to whom was referred the House bill entitled "An act to pay James Russell the sum therein mentioned," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,
Passed in concurrence.

(H. 141.) Mr. Hodges, from the same Committee, to whom was referred the House bill entitled "An act for the relief of Harry Willard and James Willard," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,
Passed in concurrence.

Mr. Birchard, from the Select Committee to whom was referred so much of the Governor's Message as relates to the subject of a Tariff and the Protective Policy, submitted the following Report, which, without reading, was,

On motion of Mr. Smith,

Ordered, To lie upon the table. [See Appendix, H.]

Mr. Foster, from the Judiciary Committee, to whom was referred the resolution from the House of Representatives, stated on the Journal of the 26th inst., providing for a distribution of certain Reports and Journals to the Judges and ex-Judges of the Supreme Court, reported the same, and recommended its passage.

And it was passed in concurrence.

(H. 135.) Mr. Howe, from the Committee on Agriculture, to whom was referred the House bill entitled "An act to annex a part of the towns of Rockingham and Grafton to the town of Athens," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have passed in concurrence the bill (S. 34) from the Senate entitled "An act authorizing the Treasurer to pay Sylvanus Ripley the sum therein mentioned."

(S. 16.) The House do *not* concur with the Senate in passing the bill entitled "An act extending the Charter of the President, Directors and Company of the Bank of Burlington."

(H. 122.) Mr. Harrington, from the Committee on Roads, to whom was referred the House bill entitled "An act appointing Commissioners to establish the bounday line between the towns of Stamford and Pownal," reported the same adversely to its passage.

And the question being taken,

The third reading of the said bill was refused.

Mr. Rich, from the Committee on Finance, to whom was referred so much of the Governor's Message as relates to the subject of the Insane Asylum, and so much thereof as relates to the Geological Survey of the State, reported that, in the opinion of the Committee, no legislative action thereon is required.

And the Committee were discharged therefrom.

(H. 131.) The Senate took up the bill from the House of Representatives entitled "An act to assess a Tax for the support of Government."

And, on motion of Mr. Rich, said bill was amended by adding to the bill the words "*or in orders drawn by County Clerks, approved by County Auditors.*"

And, on his motion, the bill, as amended, was again

Ordered, To lie upon the table.

(H. 136.) Mr. Kimball, from the Committee on Claims, to whom was referred the House bill entitled "An act to pay Stephen Royce the sum therein mentioned," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was, thereupon,

Read the third time, and passed in concurrence.

(H. 149.) Mr. Hodges, from the same Committee, to whom was referred the House bill entitled "An act for the relief of the bail in the case of the State against James Murphy," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was, thereupon,

Read the third time, and passed in concurrence.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT :—I am directed by the Governor to announce to the Senate that he has this day approved and signed bills of the following titles :

(S. 28.) "An act to establish the Grand Isle County Fire Insurance Company ;" and

(S. 33.) "An act to improve the management of State Finances."

Mr. Smith presented the following resolutions :

Resolved, by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the passage of a law removing the Sessions of the United States District and Circuit Courts to Burlington and Montpelier instead of Chelsea, as proposed by a resolution passed at the last session of the legislature.

And the resolution was read.

Mr. Vilas moved to amend the same by striking out all after the words "Resolved, by the Senate and House of Representatives," and inserting in lieu thereof, as follows :

"Whereas, the Legislature of this State, at the last Session thereof, passed the following resolution, to wit: 'Resolved, by the Senate and House of Representatives, that our Senators be instructed, and our Representatives in Congress be requested, to use their influence to procure the passage of a law removing the Sessions of the United States District and Circuit Courts from Rutland and Windsor to Burlington and Chelsea;' Therefore, Resolved, by the Senate and House of Representatives, That our Senators be again instructed, and our Representatives be again requested, to use their influence to carry into effect the object of said resolution.

"Resolved, That the Secretary of State be directed to furnish each of our Senators and Representatives in Congress a copy of the foregoing resolution."

And, on motion of Mr. Hodges, the said resolution and amendment were

Ordered, To lie upon the table.

(H. 75.) Mr. Smith called up the House bill on the table entitled "An act in relation to Railroads."

And moved to amend the same by adding to Section —, the following proviso :

"Provided, that in case the damages on the first location shall have been assessed by the Commissioners, and an appeal taken therefrom, such corporation shall pay the costs that may have accrued in such appeal, and cause their new location to be recorded, before they shall be allowed to take any benefit of this section."

And, on motion of Mr. Hodges,
The bill and amendment were
Ordered, To lie upon the table.

On motion of Mr. Harrington, it was
Ordered, That when the Senate adjourns, it will adjourn to meet at 1
o'clock P. M.

On motion of Mr. Burton,
The Senate adjourned.

AFTERNOON.

Mr. Brownell, from the Committee on Bills, reported that they had
this day submitted to the Governor, for his approval and signature, bills
of the following titles, to wit :

(S. 17.) "An act extending the Charter of the Farmers' and Me-
chanics' Bank ;"

(S. 48.) "An act altering the time for holding the County Court in
the County of Washington ;"

(S. 30.) "An act altering the name of Franklin Wilkins ;"

(S. 29.) "An act relating to the assessment of Damages ;"

(S. 3.) "An act to incorporate the Green Mountain Bank ;"

(S. 50.) "An act relating to Married Women ;" and

(S. 34.) "An act authorizing the Treasurer to pay Sylvanus Rip-
ley the sum therein mentioned."

A message from the Governor, by Mr. Billings, Secretary of Civil
and Military Affairs, as follows :

MR. PRESIDENT :—I am directed by the Governor to announce to the
Senate that he has this day approved and signed bills of the following
titles, to wit :

(S. 17.) "An act extending the Charter of the Farmers' and Me-
chanics' Bank ;" and

(S. 34.) "An act authorizing the Treasurer to pay Sylvanus Rip-
ley the sum therein mentioned."

Mr. Kimball, from the Committee under the 5th Joint Rule, to whom
were referred the Legislative Resolves of the State of Georgia relative
to a proposition of the Legislature of Massachusetts to amend the federal
Constitution, submitted the following Report, and recommended the
passage of the accompanying resolution. [For Report and Resolution,
see Appendix, I.]

And the resolution was read and passed.

Mr. Foster, from the Judiciary Committee, to whom was referred the
resolution from the House relative to removing Books and Papers be-
longing in the office of the Secretary of State, from the village of Mont-
pelier, reported the same, with the opinion of the Committee that it is
not expedient to pass the same.

And, on motion of Mr. Vilas, said resolution was
Ordered, To lie upon the table.

The Report of the State Superintendent of Common Schools was referred to the Committee under the 5th Joint Rule.

(H. 143.) Mr. Brownell, from the Select Committee, to whom was referred the House bill entitled "An act laying a tax on the County of Bennington," reported the same, with the proposal to amend the same by striking out the word "eight" in the 1st line of Section 1, and inserting the word "four" in lieu thereof; and thus amended, they recommended the passage of the bill.

And the amendment was adopted, and the bill, as amended,

Ordered, To be read the third time.

And it was, thereupon, read the third time and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to the procurement of Statues in marble of Ethan Allen and Thomas Chittenden; and a resolution relative to the appointment of a Committee to inquire into the condition of Norwich University; in which resolutions they request the concurrence of the Senate.

(S. 8.) The House have passed the bill from the Senate entitled "An act in amendment of Section 63, Chapter 28 of the Revised Statutes," with an amendment, in which they request the concurrence of the Senate.

The House have considered the resolution from the Senate providing for an investigation into the matter of the expenses of the State Prison, and have resolved to pass the same in concurrence.

(H. 114.) Mr. Foster, from the Judiciary Committee, to whom was referred the House bill entitled "An act appointing an agent to defend a suit at law therein mentioned," reported the same, without any expression of the opinion of the Committee thereon.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

Mr. Cushman presented the following resolution:

Resolved, by the Senate and House of Representatives, That the Secretary of the Senate and Clerk of the House be directed to exclude from the printed journals of either House, the Report of the State Superintendent of Common Schools.

And it was read and passed.

(H. 121.) Mr. Burton, from the Judiciary Committee, to whom was referred the House bill entitled "An act repealing Sections 2 and 3, of an act entitled 'An act in alteration of Chapter 21 of the Revised Statutes,' approved Nov. 11, 1842," reported the same adversely to its passage.

And, on his motion, it was

Ordered, To lie upon the table.

(S. 44.) Mr. Cushman, from the Committee on Military Affairs, to whom was referred the bill entitled "An act in relation to the Militia," reported the same, with no expression of the Committee thereon.

And, on motion of Mr. Foster, said bill was

Indefinitely postponed.

(H. 101.) Mr. Vilas, from the Judiciary Committee, to whom was referred the House bill entitled "An act in addition to Chapter 65 of the Revised Statutes relating to sales of real estate of Minors and Insane Persons," reported the same without amendment, and recommended the passage thereof.

And it was

Ordered, To be read the third time.

And it was

Read the third time, and passed in concurrence.

(H. 145.) Mr. Foster, from the same Committee, to whom was referred the House bill entitled "An act altering the names of certain persons therein mentioned," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time. ~~34~~

And it was, thereupon,

Read the third time, and passed in concurrence.

(H. 94.) Mr. Hodges, from the Committee on Claims, to whom was referred the House bill entitled "An act to pay Nathaniel Daggett the sum therein mentioned," reported the same, with the opinion that it ought to pass.

And it was

Ordered, To be read the third time.

And it was, thereupon,

Read the third time, and passed in concurrence.

Mr. Rich, from the Committee on Finance, to whom was referred the House bills entitled

(H. 130.) "An act making appropriations for the support of Government," and

(H. 139.) "An act authorizing the Treasurer to borrow the sum therein mentioned," reported the same without amendment, and recommended the passage of the bills.

And they were severally

Ordered, To be read the third time.

And the said bills were, thereupon, severally

Read the third time, and passed in concurrence.

The following communication was received from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs :

To the Senate :

Having been requested by the Senate, through a resolution passed by them, which has been transmitted to me, to communicate such facts as might be within my knowledge, in regard to the publication and distribution of the 2d Annual Report on the Geology of Vermont, together with my views of the proper distribution of the same, I herewith respectfully submit the following statement :

By reference to the act of 1844, providing for a Geological Survey of the State, it will be seen that it is made the duty of the State Geologist, annually on or before the 1st day of October, to report to the Governor, the progress of the work, the most efficient and economical manner of conducting it, and an estimate of the expense for the ensuing year. These being matters obviously important to be communicated to the

General Assembly, as such documents uniformly are, and as a report of this character would be of little use to them except when printed, and provision being made that the report shall be made by the 1st of October, for the obvious purpose of affording time for its printing, the duty of the Governor, in regard to it, may be most clearly inferred. Such was evidently the view taken by my predecessor, and I do not question its correctness.

Under this view, my predecessor requested me to receive the report as from him, whenever a copy should be furnished me.

With respect to the proper number of copies to be furnished, however, there was no settled rule; and of course it was a matter to be decided by him and the State Geologist, according to their best judgment, as to what the Legislature would probably desire—and basing their calculations upon the distribution ordered last year—taking into account the fact that it was found, in a short time, that the supply was deficient—it appears that they judged two hundred numbers more than were furnished last year would be necessary. And there can be little doubt that this number will be eagerly called for previous to the publication of the final report, which cannot be expected to be issued under three or four years. I have no doubt that it was supposed, when the number was decided on, that it would be but anticipating the wishes of the Legislature to have that number printed.

EXECUTIVE CHAMBER, }
November 2, 1846. }

HORACE EATON.

Mr. Harrington called up the resolution from the House of Representatives relative to the distribution of the Report of the State Geologist.

And the question being on the amendment, stated on the journal of the 30th ult.,

The said amendment was rejected.

Mr. Kimball moved that the vote rejecting the said amendment be reconsidered.

And it was so ordered.

And the question recurring, Will the Senate adopt the amendment?

It was decided in the affirmative : { Yeas 18,
 } Nays 6.

The yeas and nays, being demanded by Mr. Smith, were as follows :

Those Senators who voted in the affirmative are Messrs. Bellows, Birchard, Burton, Cushman, Fifield, Foster, Fox, Hilton, Hodges, Howe, Kimball, Miner, Morse, Page, Rich, Robinson, Smith, and Vilas.

Those Senators who voted in the negative are Messrs. Bell, Bemis, Brownell, Harrington, Hibbard, and Simonds.

So the amendment was adopted.

And the resolution, as amended, was passed.

The hour to which the Joint Assembly for the election of County Officers was adjourned having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

A message was received from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have passed the bill (S. 49.) from the Senate entitled "An act in relation to High-

ways and Bridges," with an amendment, in which they request the concurrence of the Senate.

The House concur with the Senate in passing the bills of the following titles:

(S. 38.) "An act to prevent Imposition and Accident in the sale of Medicine;"

(S. 54.) "An act relating to reporting the Decisions of the Supreme Court;" and

(S. 58.) "An act providing for the distribution of the Auditor's Report."

The House have passed a resolution suspending the 14th Joint Rule, so far as relates to a bill entitled "An act making appropriations for the Vermont State Prison," in which resolution they request the concurrence of the Senate.

The resolution from the House of Representatives providing for a temporary suspension of the 14th Joint Rule, so as to admit of legislative action on the part of the Senate on the bill making appropriations for the Vermont State Prison, was read.

And, on motion of Mr. Vilas,

Ordered, To lie upon the table.

(H. 115.) Mr. Smith, from the Committee on Finance, to whom was referred the House bill entitled "An act relating to Pedlars," reported the same without amendment, and recommended its passage.

And the Senate proceeded to consider said bill, as in Committee of the Whole.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives have considered the amendments of the Senate to the House bill (H. 64.) entitled "An act laying a tax on the County of Orange," and have resolved *not* to concur in the *first*, and to concur in the *second* of said amendments.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate that he has this day approved and signed the following bills:

(S. 3.) "An act to incorporate the Green Mountain Bank;"

(S. 29.) "An act relating to the assessment of Damages;"

(S. 30.) "An act altering the name of Franklin Wilkins;"

(S. 48.) "An act altering the time of holding the County Court in the County of Washington;" and

(S. 50.) "An act relating to Married Women."

On motion of Mr. Harrington, it was

Ordered, That when the Senate adjourns, it will adjourn to meet at half past 6 o'clock this evening.

On motion of Mr. Robinson,

The Senate adjourned.

EVENING.

The resolution from the House of Representatives authorizing the Governor to appoint a Commissioner to examine into the condition of Norwich University, was read.

And, on motion of Mr. Vilas,
Referred to the Committee on Education.

The resolution from the House of Representatives requesting the Governor to appoint some suitable person or persons to correspond with the American Sculptor, Powers, and ascertain upon what terms he will execute Statues in marble of Ethan Allen and Thomas Chittenden, to be placed in the vacant niches in the lobby of the State House,

Was read, and passed in concurrence.

The resolution from the House of Representatives directing the Librarian to procure and place in the State Library

Williams's History of Vermont,
Williams's Rural Repository,
Thompson's Gazetteer,
Washington's Letters, by Sparks,
American Almanac, 12 vols.,
Documents, Census, Journals, and Laws of the U. S.,
Webster's Dictionary, 3 copies,
Jefferson's Manual, 24 copies,
Cushing's Manual, 24 copies, &c. &c.,

Was read and passed in concurrence.

(H. 64.) The Senate proceeded further to consider their 1st amendment to the House bill entitled "An act laying a tax on the County of Orange," which had been returned with the non-concurrence of the House therein.

And it was

Resolved, To recede from said amendment.

The Senate considered the amendments of the House of Representatives to the Senate bills entitled

(S. 49.) "An act in relation to Highways and Bridges," and

(S. 39.) "An act altering the time of holding the County Court in the County of Windsor."

Which amendments are as follows :

Senate bill No. 49: Strike out the word "*April*" in Section 4, and insert "*March*."

Senate bill No. 39: Add the following Section :

"Section 2. *The County Court for the County of Chittenden shall hereafter be holden on the Third Tuesday in September, instead of the First Tuesday next after the Fourth Tuesday of September, as is now provided by law.*"

Also, amend the title of the bill so that it shall be :

"An act altering the time of holding the County Courts in the Counties of Windsor and Chittenden."

And the question being taken,

The said amendments were severally adopted.

(S. 57.) The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "An act relating to Paupers."

Which amendment is to add to said bill two Sections, as follows :

"Sec. 3. *If notice shall hereafter be given by any Justices making an order of removal, as is now required by law, it shall have the same effect as if this act had not been passed.*

"Sec. 4. *It shall not be necessary to name the wife or minor children of any pauper hereafter ordered to remove, either in the order or warrant of removal; and it shall be the duty of the officer executing a warrant of removal to remove the wife and the minor children of the pauper, if the wife and minor children aforesaid are residing in the family of the pauper, and an order of removal thus made and executed shall be as effectual against the town to which such paupers are removed, as it would have been had the wife and minor children been named in the order and warrant of removal.*"

And the question being, Will the Senate adopt the amendment proposed?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 9.} \\ \text{Nays 17.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative are Messrs. Bell, Bemis, Birchard, Brownell, Chittenden, Clapp, Cushman, Hilton, and Kimball.

Those Senators who voted in the negative are Messrs. Bellows, Burton, Cram, Fifield, Foster, Fox, Harrington, Hibbard, Hodges, Howe, Miner, Morse, Page, Rich, Robinson, Simonds, and Vilas.

So the Senate

Resolved, Not to concur in said amendment.

(H. 131.) The Senate took up the House bill on the table entitled "An act to assess a Tax for the support of Government."

Mr. Rich moved to amend the bill by striking out the word "*ten*" before "*cents*," and inserting in lieu thereof the word "*seven*."

And it was so ordered.

And the bill, as amended,

Was passed.

(H. 20.) The Senate took up the House bill on the table entitled "An act for the suppression of Bowling Alleys."

Mr. Vilas moved to amend the said bill by striking out all after the enacting clause and inserting a substitute therefor.

And the amendment was rejected.

Mr. Vilas moved further to amend the bill by striking out the 1st Section thereof.

And the question being taken,

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas 18,} \\ \text{Nays 9.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Fifield, were as follows :

Those Senators who voted in the affirmative are Messrs. Bemis, Bur-

ton, Chittenden, Clapp, Fifield, Foster, Fox, Harrington, Hibbard, Hodges, Howe, Miner, Morse, Page, Rich, Robinson, Smith, and Vilas.

Those Senators who voted in the negative are Messrs. Bell, Bellows, Birchard, Brownell, Cram, Cushman, Hilton, Kimball, and Simonds.

So the amendment was adopted.

Mr. Harrington moved further to amend the bill by striking out Section 3.

And it was so ordered.

And the bill, as amended, was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles :

(S. 39.) "An act altering the time of holding the County Court in the Counties of Windsor and Chittenden ;"

(S. 49.) "An act relating to Highways and Bridges ;"

(S. 54.) "An act relating to reporting the Decisions of the Supreme Court ;"

(S. 38.) "An act to prevent Imposition and Accident in the sale of Medicine ;"

(S. 58.) "An act providing for the distribution of the Auditor's Report ;"

(H. 142.) "An act for the relief of the bail in the case of the State against James Murphy ;"

(H. 96.) "An act to alter the name of John Chauncey Chandler ;"

(H. 55.) "An act to alter the name of Clara Frances Vermont ;"

(H. 21.) "An act constituting Adelia Sophia Barber heir at law of Ephraim and Sally Griswold ;"

(H. 16.) "An act to incorporate the Battenkill Bank ;"

(H. 94.) "An act to incorporate the Woodstock Mill Company ;"

(H. 135.) "An act to annex a part of the towns of Rockingham and Grafton to the town of Athens ;"

(H. 141.) "An act for the relief of Harry Willard and James Willard ;"

(H. 140.) "An act to pay James Russell the sum therein mentioned ;"

(H. 136.) "An act to pay Stephen Royce the sum therein mentioned ;"

(H. 101.) "An act in addition to Chapter 65 of the Revised Statutes, relating to sales of real estate of Minors and Insane Persons ;"

(H. 94.) "An act to pay Nathaniel Daggett the sum therein mentioned ;"

(H. 130.) "An act making appropriations for the support of Government ;"

(H. 64.) "An act laying a tax on the County of Orange ;"

(H. 145.) "An act altering the names of certain persons therein mentioned ;" and

(H. 132.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have passed a reso-

lution relating to a change of the place of holding the U. S. District and Circuit Courts; in which they request the concurrence of the Senate.

The House have passed the resolution from the Senate appointing certain persons therein named a Committee to examine into the expenses of the State Prison, with an amendment; in which amendment they request the concurrence of the Senate.

The House concur with the Senate in passing the resolution directing the Secretary of the Senate and the Clerk of the House to exclude from the journals the Report of the State Superintendent of Common Schools; and they have passed the resolutions from the Senate reported by the Committee under the 5th Joint Rule on the communications of Messrs. Wiley and Putnam and Henry Stevens, with an amendment; in which they request the concurrence of the Senate.

The Governor has announced to the House that he has this day approved and signed bills of the following titles:

(H. 16.) "An act to incorporate the Battenkill Bank;"

(H. 101.) "An act in addition to Chapter 65 of the Revised Statutes, relating to sales of real estate of Minors and Insane Persons;"

(H. 130.) "An act making appropriations for the support of Government;"

(H. 132.) "An act authorizing the Treasurer to borrow the sum therein mentioned;"

(H. 136.) "An act to pay Stephen Royce the sum therein mentioned;"

(H. 21.) "An act constituting Adelia Sophia Barber heir at law of Ephraim and Sally Griswold;"

(H. 24.) "An act to incorporate the Woodstock Mill Company;"

(H. 94.) "An act to pay Nathaniel Daggett the sum therein mentioned;"

(H. 96.) "An act to alter the name of John Chauncey Chandler;"

(H. 135.) "An act to annex a part of the towns of Rockingham and Grafton to the town of Athens;"

H. 133.) "An act incorporating the Vergennes Tow Boat and Transportation Company;" and

(H. 79.) "An act in in addition to Chapter 53 of the Revised Statutes, entitled 'Of the partition and distribution of Estates.'"

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate that he has this day approved and signed bills of the following titles:

(S. 34.) "An act authorizing the Treasurer to pay Sylvanus Ripley the sum therein mentioned;"

(S. 54.) "An act relating to reporting the Decisions of the Supreme Court;" and

(S. 58.) "An act providing for the distribution of the Auditor's Report."

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives have further considered their amendment to the Senate bill (S. 57.) entitled "An act

relating to Paupers ;" and have resolved to *insist* upon the same.

(H. 131.) They have considered the amendment of the Senate to the House bill entitled "An act to assess a Tax for the support of Government," and have adopted the same in concurrence.

(H. 31.) The House have resolved again to *insist* on their disagreement to the amendment of the Senate to the bill entitled "An act relating to Staff Officers of the Militia," and request a free conference on the disagreeing votes of the two Houses thereon ; and they have appointed Messrs. Lawrence, Thomas, and Wright of Shoreham, managers of the same on their part.

The Governor has announced to the House that he has this day approved and signed the following bills :

(H. 140.) "An act to pay James Russell the sum therein mentioned ;"

(H. 141.) "An act for the relief of Harry Willard and James Willard ;"

(H. 142.) "An act for the relief of the bail in the case of the State against James Murphy ;" and

(H. 145.) "An act altering the names of certain persons therein mentioned."

Mr. Miner presented the following resolution, which was read and passed :

Resolved, by the Senate and House of Representatives, That the Librarian be directed to purchase for the use of the State Library 10 copies of "Unity of Purpose," a work just published by the Hon. Augustus Young.

Mr. Foster presented the following resolution :

Resolved, by the Senate and House of Representatives, That the State Superintendent of Common Schools be authorized to procure 4000 copies of his Report made to the Legislature at the present session, to be distributed under his direction, as follows :

One to each member of the Legislature ; one to each Town Clerk, each School District, Academy, and College, in the State, to each Town and County Superintendent, and to such others as he may deem expedient ; and that all further action under the resolution of the House of Representatives relative to the printing of said Report be suspended.

And it was read.

Mr. Smith moved to amend the same by striking out all after the word "*expedient*."

And it was so ordered.

Mr. Vilas moved to amend by striking out the words "*to procure 4000 copies of*," and to insert in lieu the words "*to distribute*."

And it was so ordered.

Mr. Rich moved to amend by striking out the words "*to be distributed under his direction*."

And it was so ordered.

And the resolution, as amended, passed.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT :—I am directed by the Governor to announce to the Senate that he has this day approved and signed the following entitled bills:

(S. 39.) "An act altering the time of holding the County Court in the Counties of Windsor and Chittenden;" and

(S. 49.) "An act in relation to Highways and Bridges."

(H. 93.) Mr. Vilas, from the Judiciary Committee, to whom was referred the House bill entitled "An act in relation to the Shire Town of Orleans County," reported the same, with the proposal to amend by striking out all after the enacting clause; and inserting eight Sections providing for the locating of the Court House and Jail of said County at Coventry.

And thus amended, the Committee recommended the passage of the bill.

And, on motion of Mr. Hodges, said bill and amendment were

Ordered, To lie upon the table.

It appearing that no quorum was voting on propositions before the Senate,

Mr. Vilas moved a call of the Senate.

And it was ordered.

The doors were, thereupon, closed, and the Secretary called the Roll.

And it was found that Messrs. Brownell, Burton, Hibbard, Miner, and Nash, were not in attendance.

Mr. Hodges moved that further proceedings in the call be suspended.

And it was so ordered.

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles:

(H. 131.) "An act to assess a tax for the support of Government;" and

(H. 114.) "An act appointing an agent to defend a suit at law therein mentioned."

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House have passed certain resolutions reported by the Committee under the 5th Joint Rule, relative to the subjects of Slavery and the existing War with Mexico; in which they request the concurrence of the Senate.

The House have considered the resolutions from the Senate relating to certain Legislative Resolves of the State of Georgia, respecting a proposition by Massachusetts to amend the Federal Constitution; and have passed the same in concurrence.

The House have passed in concurrence, the resolutions from the Senate providing for the distribution of the First Annual Report of the State Superintendent of Common Schools, and the resolution directing the Librarian to purchase 10 copies of a work recently published by the Hon. Augustus Young.

(H. 143.) The House have considered the amendment of the Senate to the House bill entitled "An act laying a tax on the County of Bennington," and have resolved to concur therein.

The Governor has announced to the House that he has this day approved and signed the following entitled bills:

(H. 55.) "An act to alter the name of Clara Frances Vermont;"

(H. 64.) "An act laying a tax on the County of Orange;"

(H. 131.) "An act to assess a tax for the support of Government;" and

(H. 114.) "An act appointing an agent to defend a suit at law therein mentioned."

(H. 115.) The Senate proceeded further to consider, as a Committee of the Whole, the House bill entitled "An act relating to Pedlars."

And, having reported the same to the Senate,

Mr. Miner moved to amend the bill by striking out Section 7.

And the question being taken,

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 12,} \\ \text{Nays 14.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Miner, were as follows:

Those Senators who voted in the affirmative are Messrs. Bellows, Burton, Clapp, Fifield, Foster, Harrington, Hibbard, Miner, Page, Robinson, Smith, and Vilas.

Those Senators who voted in the negative are Messrs. Bell, Bemis, Birchard, Brownell, Chittenden, Cushman, Fox, Hilton, Hodges, Howe, Kimball, Morse, Rich, and Simonds.

So the amendment was rejected.

Mr. Vilas moved to amend the bill as follows:

In Section 8, after the words "one beast," insert the words "*twenty-five dollars*;" and strike out the words "or more," before the words "forty dollars," and insert "*if drawn by more than one beast.*"

And the question being taken,

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 9,} \\ \text{Nays 17.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Robinson, were as follows:

Those Senators who voted in the affirmative are Messrs. Bellows, Clapp, Harrington, Hibbard, Miner, Page, Robinson, Smith, and Vilas.

Those Senators who voted in the negative are Messrs. Bell, Bemis, Birchard, Brownell, Burton, Chittenden, Cram, Cushman, Foster, Fox, Hilton, Hodges, Howe, Kimball, Morse, Rich, and Simonds.

So the amendments were rejected.

Mr. Harrington moved to amend the bill by striking out the words "civil authority," in Section 11, and inserting in lieu the words "*any freeman.*"

And the question being taken,

The amendment was rejected.

The question then being, Shall the bill be read the third time?

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas 14,} \\ \text{Nays 10.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Vilas, were as follows:

Those Senators who voted in the affirmative are Messrs. Bell, Bemis, Birchard, Brownell, Chittenden, Cram, Cushman, Fox, Hodges, Howe, Kimball, Rich, Simonds, and Smith.

Those Senators who voted in the negative are Messrs. Bellows, Burton, Clapp, Fifield, Foster, Harrington, Hibbard, Miner, Robinson, and Vilas.

So the bill was

Ordered, To be read the third time.

And it was read the third time.

And the question being, Shall it pass?

It was decided in the affirmative: { Yeas 14,
 { Nays 11.

The yeas and nays, being demanded by Mr. Robinson, were as follows:

Those Senators who voted in the affirmative are Messrs. Bell, Birchard, Brownell, Chittenden, Cram, Cushman, Fox, Hilton, Hodges, Howe, Kimball, Morse, Rich, and Simonds.

Those Senators who voted in the negative are Messrs. Bellows, Bemis, Burton, Clapp, Fifield, Foster, Harrington, Miner, Robinson, Smith, and Vilas.

So the bill passed.

(H. 31.) The Senate again considered the amendment to the House bill entitled "An act relating to Staff Officers of the Militia."

And it was

Resolved, To agree to the Free Conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

The President appointed Messrs. Rich, Page, and Chittenden, managers at the same on the part of the Senate.

(S. 57.) The Senate proceeded further to consider the amendment of the House of Representatives to the Senate bill entitled "An act relating to Paupers," and

Resolved, To *insist* on their disagreement thereto.

(S. 8.) The amendment of the House of Representatives to the Senate bill entitled "An act in amendment of Section 63, Chapter 28, of the Revised Statutes," was

Adopted in concurrence.

The Senate considered the amendment of the House of Representatives to the resolution from the Senate appointing certain persons a Committee to examine into the expenses of the State Prison, which amendment was to strike out the name of "Silas H. Jenison," and insert in lieu thereof the name of "Asa Low."

Mr. Hodges moved to amend the amendment of the House by striking out the name of "Asa Low," and inserting that of "Timothy Follett."

And it was so ordered, and the amendment, as amended, concurred in.

(H. 143.) Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, the bill entitled "An act laying a tax on the County of Bennington."

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives have again considered their amendment to the Senate bill (S. 57.) entitled "An act relating to Paupers," and have resolved to *adhere* thereto.

The House do *not* concur in the amendment of the Senate to the amendment of the House on the resolution relating to an investigation of the expenses of the State Prison.

(H. 143.) The Governor has announced to the House that he has this day approved and signed the bill entitled "An act laying a tax on the County of Bennington."

The resolution from the House of Representatives instructing our Senators, and requesting our Representatives in Congress, to endeavor to procure the passage of a law changing the place of holding the U. S. District and Circuit Courts from Rutland and Windsor, to Burlington and Montpelier, was read.

Mr. Vilas moved to amend the resolution by striking out the words "*and Montpelier instead of.*"

And the question being taken,

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 11,} \\ \text{Nays 14.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Vilas, were as follows : Those Senators who voted in the affirmative are Messrs. Birchard, Burton, Chittenden, Cushman, Fifield, Fox, Hilton, Hodges, Morse, Rich, and Vilas.

Those Senators who voted in the negative are Messrs. Bell, Bellows, Bemis, Clapp, Foster, Harrington, Hibbard, Howe, Kimball, Miner, Page, Robinson, Simonds, and Smith.

So the amendment was rejected.

Mr. Cushman moved to amend by striking out the word "*Montpelier,*" and inserting the word "*Windsor.*"

And the question being taken,

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 11,} \\ \text{Nays 16.} \end{array} \right.$

The yeas and nays, being demanded by Mr. Smith, were as follows : Those Senators who voted in the affirmative are Messrs. Birchard, Brownell, Burton, Cram, Cushman, Fox, Hilton, Hodges, Kimball, Morse, and Vilas.

Those Senators who voted in the negative are Messrs. Bell, Bellows, Bemis, Chittenden, Clapp, Fifield, Foster, Harrington, Hibbard, Howe, Miner, Page, Rich, Robinson, Simonds, and Smith.

So the amendment was rejected.

And, thereupon, the resolution was

Passed in concurrence.

(H. 88.) The House bill on the table entitled "An act relating to licenses to Innkeepers and Retailers," was taken up, and

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

(H. 40.) Mr. Foster called up the House bill entitled "An act regulating the Jurisdiction of the Vergennes City Court."

And the third reading thereof was refused.

The Senate proceeded to consider their amendment to the amendment of the House to the resolution relative to the expenses of the Vermont State Prison.

And it was

Resolved, To *recede* from the said amendment, and to adopt the amendment of the House thereto.

(H. 37.) The House bill on the table entitled "An act assessing a tax on the County of Addison," was taken up.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

The following House bills, on the table, were severally taken up, and the third reading thereof refused, to wit :

(H. 70.) "An act in relation to the enrolled Militia ;"

(H. 51.) "An act to restore Peter Rosenbury to his legal privileges ;"

(H. 36.) "An act to restore Myron Shaw to his legal privileges ;"

(H. 30.) "An act to restore Jeremiah Carr to his legal privileges ;"

(H. 121.) "An act repealing Sections 2 and 3 of an act entitled 'An act in alteration of Chapter 21 of the Revised Statutes,' approved Nov. 11, 1842 ;"

(H. 1.) "An act relating to Exemptions from Attachment ;"

(H. 6.) "An act to incorporate the Chittenden County Infirmary ;" and

(H. 18.) "An act in addition to Chapter 20 of the Revised Statutes, relating to Highways."

(H. 75.) The House bill entitled "An act in relation to Railroads," was taken up ; and the amendment proposed, and stated on the journal of this morning, was adopted.

And the bill, as amended,

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have accepted the Report of the Conferees on their part on the disagreeing votes of the two Houses on the bill (H. 31.) entitled "An act relating to Staff Officers of the Militia ;" and having further considered the amendment of the Senate to the said bill, have resolved to *adhere* to their disagreement thereto.

Mr. Rich, from the Committee of Free Conference, on the disagreeing votes on the said House bill No. 31, reported that they had met the Conferees on the part of the House, and not having been able to agree, the managers on the part of the Senate recommended an adherence to the amendment to said bill.

And the question being taken, it was

Resolved, To *adhere* thereto.

Mr. Brownell, from the Committee on Bills, reported that they had this day presented to the Governor, for his approval and signature, the following entitled bills :

(H. 115.) "An act relating to Pedlars ;"

(S. 8.) "An act in amendment of Section 63 of Chapter 28 of the Revised Statutes ;" and

(H. 88.) "An act relating to licenses to Innkeepers and Retailers."

(H. 108.) The resolution from the House of Representatives providing for a suspension of the 14th Joint Rule, in order to enable the Senate to consider the House bill entitled "An act making appropriations for the Vermont State Prison," was taken up and passed.

Mr. Smith, from the Committee on Education, to whom was referred the House resolution providing for a Committee to examine into the situation of Norwich University, reported the same, and recommended its passage.

And the question being taken,
The resolution was rejected.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The House of Representatives have passed a bill (H. 108.) entitled "An act making appropriations for the Vermont State Prison ;" in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the resolutions reported by the Committee under the 5th Joint Rule, and spread upon the journal of this morning, on the communications of Wiley and Putnam and Henry Stevens.

Said amendment is as follows :

Strike out the word "*two*" in the last resolution, and insert in lieu thereof, the word "*four*."

And it was

Resolved, To concur therein.

(H. 108.) House bill No. 108, was read the first and second times and referred to the Committee on Finance.

(H. 146.) Mr. Foster, from the Judiciary Committee, to whom was referred the House bill entitled "An act constituting William Edwin Parth heir at law of William Rutherford," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,

Passed in concurrence.

The resolutions from the House of Representatives on the subject of Slavery and the existing War with Mexico, were read and passed in concurrence. [For Report and Resolutions, see Appendix, K.]

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, the following entitled bills :

(H. 37.) "An act assessing a tax on the County of Addison;" and

(H. 75.) "An act in relation to Railroads."

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The Governor has announced to the House of Representatives, that he has this day approved and signed bills of the following titles :

(H. 37.) "An act assessing a tax on the County of Addison;" and

(H. 75.) "An act in relation to Railroads."

The Senate took up the resolution on the table relative to a change in the places of holding the U. S. District and Circuit Courts.

And, on motion of Mr. Foster,
It was indefinitely postponed.

(H. 108.) Mr. Cushman, from the Committee on Finance, to whom was referred the House bill entitled "An act making appropriations for the Vermont State Prison," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be read the third time.

And it was read the third time, and, thereupon,
Passed in concurrence.

The resolutions on the table reported by the Committee under the 5th Joint Rule, and spread upon the journal of the 31st ult., relating to the expulsion of Agents of the State of Massachusetts from South Carolina and Louisiana,

Were taken up and passed.

The resolution from the House of Representatives, relating to the removal of Books, Records and Papers, belonging in the office of the Secretary of State, from Montpelier,

Was taken up, and the passage thereof refused.

The resolutions accompanying the Report of the Select Committee to whom was referred so much of the Governor's message as relates to the subject of a Tariff and the Protective Policy,

Were read and passed. [For Report and Resolutions, see Appendix, H.]

Mr. Smith, the minority of the same Committee, submitted a Report and Resolutions on the same subject.

And the resolutions were read and passed. [For Report and Resolutions, see Appendix, L.]

On motion of Mr. Cushman, it was

Ordered, That the foregoing Reports be printed with the journal of the Senate.

Mr. Brownell, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles:

(H. 108.) "An act making appropriations for the Vermont State Prison;" and

(H. 146.) "An act constituting William Edwin Partch heir at law of William Rutherford."

Mr. Robinson presented the following resolution:

Resolved, That the thanks of the Senate are cordially tendered to His HONOR LEONARD SARGEANT, for the able, impartial, and courteous manner in which he has discharged the duties of its Presiding Officer during the present session of the General Assembly.

And it was read.

And the question being taken by the Secretary,
The said resolution was unanimously passed.

The President of the Senate thereupon, addressed the Senate substantially as follows :

SENATORS:—Late as is the hour, and much fatigued as you are from the protracted labors of this day, I might, perhaps, best manifest my regard for you by making no draft upon your time or patience—yet I should do violence to my own feelings on this occasion, were I to neglect a response to this renewed and more direct expression of your kindness.

Although my political relations with you have been brief, they have been such as to awaken on my part every good feeling of which my heart is susceptible. I was taken from the walks of private life and placed in my present position, a stranger to most of you ; and that which rendered the trial more severe, was, the consciousness that I was not called by your voluntary suffrages.

By a peculiar feature in our Constitution, you do not (like most deliberative bodies) elect one of your own number to preside over your deliberations. How far this principle in our Constitution, or that of the United States, has tended to any improvement in civil government may well be questioned ; for it is not to be expected that a people at large, however enlightened, always have an accurate knowledge of the peculiar fitness of every candidate for the various duties which may fall to his lot.

Notwithstanding the manifold embarrassments under which I entered upon my duties, arising from a want of both theoretical and practical knowledge of parliamentary law, I have found my complicated duties made comparatively light, by an uniform courtesy and kindness, at all times extended by every member of this body. These occurrences carry with them the conclusive evidence of your high aim to promote the public welfare, by a judicious exercise of your conservative powers, giving to matters of form their minor importance.

It is by your discreet movements in the affairs of legislation, that my mind has often during our present session, been drawn back to that period when it fell to my lot to bear an humble part (through an exciting conflict) in organizing this branch of our State Government. Prior to the year 1836, public sentiment seemed to set against any attempt to create another branch of our legislature, having coördinate powers with a House of Representatives. Ten years experience however, has seemed to solve the problem, and demonstrated beyond cavil, the utility of the measure. Less indiscreet legislation has prevailed ; the rights and interests of our citizens have been better secured ; a more rigid economy has marked our course of legislation ; and a higher regard to the supreme law of the land is quite visible ; whilst our judicial tribunals have been comparatively relieved from the ungracious task of overthrowing the acts of the General Assembly.

I trust that our deliberations during this brief session will have contributed their full share to the public weal ; and now, gentlemen, as we are about to separate, permit me to congratulate you on the happy termination of our labors, and to assure you, of my ardent desire for your individual prosperity in your public services ; your domestic circles ; and wherever a kind Providence may cast your lot, through the remainder of your earthly pilgrimage.

On motion of Mr. Vilas, it was
Ordered, That the Secretary announce to the House of Representa-

tives that the Senate, having, on their part, completed the business of the session, are prepared to adjourn without day.

The Secretary performed the service.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—The Governor has announced to the House of Representatives that he has this day approved and signed the bills entitled : (H. 108.) " An act making appropriations for the Vermont State Prison ;" and

(H. 146.) " An act constituting William Edwin Parteh heir at law of William Rutherford."

On motion of Mr. Rich, it was

Ordered, That a Senator be appointed to wait upon His Excellency the Governor, and inform him that the Senate have completed their business for the session ; and to inquire if he has any further communication to make to them.

The President appointed Mr. Rich to perform this service.

Mr. Rich reported that he had performed the duty assigned to him, and that the Governor would forthwith make a communication to the Senate.

A message from the Governor, by Mr. Billings, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT :—I am directed by the Governor to inform the Senate that he has received their announcement that they have completed their business for the session ; and that he has no further communications to make to them.

A message from the House of Representatives, by Mr. Merrill, their Clerk, as follows :

MR. PRESIDENT :—I am directed to announce to the Senate that the House of Representatives have, on their part, completed the business of the session, and are now prepared to adjourn without day.

It being now now half past two o'clock of the morning of the 3d of November, and both Houses having completed the business of the session.

On motion of Mr. Hodges, it was

Ordered, That the Senate do now adjourn without day.

Whereupon,

The President declared the Senate adjourned *sine die*.

D. W. C. CLARKE,
Secretary.

APPENDIX.



APPENDIX.

(A)

LETTER FROM THE ASSISTANT LIBRARIAN IN HARVARD UNIVERSITY.

[REFERRED TO ON PAGE 23 OF THE JOURNAL.]

HARVARD COLLEGE,
Cambridge, Mass., 4 Sept., 1846. }

HIS EX'Y WM. SLADE,

SIR :—Although I have not the honor of a personal acquaintance with you, the great interest which you have shown in the history of Vermont has prompted me to write to you in behalf of our University.

Our Public Library is much resorted to from all parts of the United States on account of its exceedingly rich abundance of materials for American history. The collection on American affairs is pronounced to be the largest and best, without exception, in the world. But we are deficient in some respects, and particularly in regard to the Public Documents of the different States. We have some of the Vermont *Laws* and Public Documents, but not all. And my object in writing is to see if you can put matters in a train by which your Legislature will pass a resolve authorizing the Secretary to furnish us a copy of every thing which the State has hitherto published of which it has a spare copy, and also to furnish hereafter at a specified time in each year a copy of everything which shall have been published during the year. Our Library building is fire-proof, or as nearly so as possible without having the books injured

by dampness, consequently it will be an excellent place to preserve them for future generations. Fire, carelessness, thoughtlessness, have made such havoc of public documents, that I *do not know one State* of which a complete series is in existence. Of course there is not a State whose history can be properly written. Our Library is so central in the literary world, and so much consulted by historians and antiquarians, that I know no place in which Vermont could put a series of her public documents which would arrest the attention of literary men and historians so much. Consequently if we can have a complete series it will "tell" to the honor of the State. Vermont has a history of peculiar interest, which ought to be preserved in its minutest details. The interesting scenes of Indian warfare, the deeds of the Green Mountain Boys in the Revolution, and her Allens and Warners and other heroes who figured in those days, her long struggle with New-Hampshire and New-York, and her independence as a single State, and a multitude of other circumstances, deeds and events, invest the State with a kind of charm which is in a degree peculiar to the State. If you will give us the materials for her history, we will preserve them. When posterity wishes to look into the deeds of their ancestors, they shall find here at least one series of the documents and laws preserved from fire and accident which shall inform them of the principles upon which they acted in laying the foundations of a flourishing community. Unless some measures like what I now suggest are taken, in time, too, to preserve these materials for her history, future generations will never know, but in part, the trials and toils, the struggles and disappointments, the valor and bravery of the pioneers of that State. The State will not have justice done to it. Different historians will arise from time to time, each one wishing to examine for himself the grounds gone over by his predecessor, and each one will bring out some new principle of action, some new and thrilling picture in history, if he can have a complete series of these documents, which he can only know imperfectly and in part, without them. There is *nothing* printed in connexion with her history, *however small*, which we would not welcome to our shelves, and so place it that it should *command* the notice of those who come to examine our historical works. Pamphlets which are often deemed worthless trash, we regard as *treasures* for posterity. Speeches, 4th July Orations on Vermont, pamphlets, school books, *everything* written, spoken, or published by Vermont as a State, or by her citizens as private individuals, we should be proud to place upon our shelves, as they will go to make up items in her literary, political and religious history. The modesty which often leads persons to think what they have printed is too insignificant in itself, we cannot help appreciating; but at the same time we beg them to overlook that and send them to us, each and all, the very smallest as well as the largest productions, for the sake of the satisfaction we shall take in receiving them and keeping them. We are very unwilling to have anything become extinct which has been printed. And unless works are placed in public libraries and in fire-proof libraries, it is almost certain that after a few years they are nowhere to be found—and this is particularly true of public documents and of ephemeral publications and of pamphlets. We wish people would box up what they call "old rubbish"—pamphlets, and direct them to "Harvard College Public Library, Cambridge, Mass." I could find, I know, much in the "rubbish" which would be very valuable, even if it were trifling, to be added to our collection.

If Vermont will pass the resolve, I will make out a list of such works, &c., as the Library now contains, and forward it to the Government and do what I can still further to pick up "odds and ends" to make the series complete. Massachusetts and Michigan are the only States (except the U. S. through Congress) which furnish us their documents. Gov. Felch of Michigan, has entered into the subject zealously, picked out the documents himself, and the consequence is that though fire has made such havoc that a complete series of the documents of Michigan cannot be had, yet her series is decidedly the most complete which our Library contains. Michigan has voted to continue to send her documents, and she will be certain of being well understood and appreciated, centuries hence, when many of her documents and laws will probably be nowhere to be found by the historian, except in the fire-proof building of Harvard College Library. We will keep those of Vermont with the same care, if the Legislature will let us have them.

Your very humble serv't,

JOHN LANGDON SIBLEY,
Assistant Librarian in Harvard University.

(B)

COMMUNICATION
FROM THE SECRETARY OF STATE IN REPLY TO THE
RESOLUTION RELATING TO EXPENSES OF THE
STATE PRISON.

[REFERRED TO ON PAGE 39 OF THE JOURNAL.]

SECRETARY OF STATE'S OFFICE, }
October 17, 1846. }

HON. LEONARD SARGEANT,
President of the Senate:

SIR:—I have the honor of acknowledging the receipt of the resolution of the Senate of the 16th inst., requesting of me a "tabular statement" of the income and expenses of the State Prison, and of the average number of prisoners confined therein.

In answer to the said resolution I have to say that the matter thereof relates entirely to the official accounts and reports of the Superintendent and other officers of the State Prison which are not matters of record, and have never been (so far as I know) lodged in this office.

By a reference to the Revised Statutes, the Senate will perceive that the Annual Report of the Superintendent is required to be made to the Treasurer, and by him is communicated to the General Assembly.

I am therefore obliged to say that I have officially no means of informing the Senate as desired, and beg leave to refer that body to the Annual Reports of the Superintendent and the Treasurer, "from the establishment of said Prison to the present time," as the only official source from which the desired information is to be obtained.

I have the honor to subscribe myself

Your ob't serv't,
J. McM. SHAFTER,
Secretary of State.

(C)

REPORT OF THE COMMISSIONER FOR THE DEAF, DUMB, AND BLIND.

[REFERRED TO ON PAGE 48 OF THE JOURNAL.]

To His Excellency Horace Eaton, Governor of Vermont :

The undersigned, late Commissioner of the Deaf, and Dumb, and Blind, reports

That he has admitted, during the past year, to the Asylum for the Deaf and Dumb, at Hartford, Connecticut, *six* persons ; and that there are now at the Asylum *nineteen* persons supported in whole, or in part, at the expense of the State.

He has also admitted during the past year to the Asylum for the Blind at Boston, Massachusetts, *one* person : and there are now at that Institution, *seven* persons supported in whole, or in part, at the expense of the State. He has drawn from the Treasurer of this State, and paid, during the past year,

To the Asylum for the Deaf and Dumb,	\$ 2257,01
To the Institution for the Blind,	807,48

Amounting to

\$ 3064,49

WILLIAM SLADE.

October 10 1846.

(D)

COMMUNICATION

FROM THE STATE LIBRARIAN RELATIVE TO THE EXPENSES OF THE STATE PRISON.

[REFERRED TO ON PAGE 63 OF THE JOURNAL.]

STATE LIBRARY, }
October 23, 1846. }

HON. LEONARD SARGEANT,

President of the Senate:

In accordance with a resolution passed October 22, 1846, by the Hon. Senate, directing the " Librarian **** from an examination of the journals of the General Assembly" to make a Report " of the amount of the appropriations made by the Legislature for the maintenance of the State Prison since its first erection ;—also the expense of erecting said Prison," I would make the following Report :

That the expense of erecting and completing said Prison, as appears by the report of the Committee appointed to settle with the Commissioners for locating and building the same, was \$ 39,312.78.

That the annual drafts upon the Treasury " for the maintenance of the State Prison" have been as follows :

For the year ending Oct.	1809,	\$ 1500
ditto.	1810,	5683 95
ditto.	1811,	4839 50
ditto.	1812,	7477
ditto.	1813,	5000
ditto.	1814,	2763
ditto.	1815,	3396 25
ditto.	1816,	5812
ditto.	1817,	6038
ditto.	1818,	4780
ditto.	1819,	5220
ditto.	1820,	5000
ditto.	1821,	3907
ditto.	1822,	3390
ditto.	1823,	3255
ditto.	1824,	3955
ditto.	1825,	2970 90
ditto.	1826,	3973 08
ditto.	1828,	856 91

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For the year ending Oct.	1829,	2205 40
ditto.	" 1830,	4063 61
ditto.	" 1831,	5936 39
ditto.	" 1832,	5000
ditto.	" 1833,	4938 35
ditto.	" 1834,	5000
ditto.	" 1835,	4747 36
ditto.	" 1836,	4223 67
ditto.	" 1837,	2150
ditto.	" 1838,	6100
ditto.	" 1839,	5000
ditto.	" 1840,	2000
ditto.	" 1841,	3000
ditto.	" 1842,	1000
ditto.	" 1843,	14991 26
ditto.	" 1846,	10000

\$ 160,193 63

Which is respectfully submitted.

GUST. H. LOOMIS,
State Librarian.

(E)

MESSAGE FROM THE GOVERNOR,
RELATIVE TO THE COLLECTING OF PAPERS AND DO-
UMENTS ILLUSTRATIVE OF THE EARLY HISTORY
OF VERMONT.

[REFERRED TO ON PAGE 80 OF THE JOURNAL.]

To the Senate:

I herewith transmit to the Senate for the use of the General Assembly a communication from Messrs. Wiley and Putnam, addressed to the Secretary of State for this State; also, a communication from the Secretary of State pertaining to the subject matter of Messrs. Wiley and Putnam's letter.

I also transmit a communication from Henry Stevens, Esq., relative to the collecting of papers and documents illustrative of the early history of this State.

In 1841 Mr. Stevens was appointed a Commissioner to investigate a supposed claim of this State upon the Government of the United States, for expenses incurred in the Revolutionary War; and in the prosecution of his inquiries he discovered numerous papers connected with our early history, as appears from reports made by him to the General Assembly in 1842, 1843, and 1845. The communication herewith transmitted refers to various papers which he has thus discovered, and which he thinks it important to obtain, in order more fully to illustrate the history of "The Grants." To defray the expense of procuring them, he deems an appropriation desirable.

Mr. Stevens also wishes to have the account drawn up by him for expenses incurred by this State in the Revolutionary War, and the documents pertaining to the part the State took in this war, again referred to a Commissioner for further examination.

Mr. S. has caused the Surveyor General's papers which were in his possession to be properly bound, and asks that an appropriation be made for the purpose of recovering the remainder of these papers, and for completing an Index to them.

He also proposes to deposit in the State Library a portion of his Historical collection, upon terms which he thinks will be satisfactory.

The propriety of taking steps to procure from abroad such copies of documents as might be thought desirable in relation to the New Hampshire Grants; also, of causing the files in the State department, at least

up to the time of the admission of the State into the Union, to be arranged and bound; and also of adopting measures to supply the deficiencies in our early records, laws and journals—is submitted to the consideration of the General Assembly.

In regard to this subject, generally, it might be remarked, that no State in the Union is richer than Vermont in the materials of its early history—abounding as that history does, in soul-stirring incidents, in acts of prudent and sagacious management, and in deeds of stern and manly daring. And it would be alike a reproach to ourselves, and a wrong to coming generations, to suffer anything that is really and substantially valuable of those materials to be lost. And the time for rescuing whatever of them we could not lose without regret, is now rapidly passing away.

EXECUTIVE CHAMBER, }
October 28, 1846. }

HORACE EATON.

HENRY STEVENS'S REPORT.

To His Excellency the Governor of the State of Vermont :

Having been appointed by His Excellency Charles Paine, a Commissioner to investigate the facts, and ascertain whether this State has a just claim upon the Government of the United States for expenses incurred during the Revolutionary War, my first Report was made October, 1842; my second, October, 1843. These Reports, with such documents as I had then collected, were referred to a Committee, appointed by his then Excellency, agreeably to a Joint Resolution of both Houses, and their Report by your predecessor transmitted to the General Assembly, October, 1844; I again reported to your predecessor, October, 1845. Permit me to call the attention of your Excellency to the said several Reports and the several Messages transmitting the same to both Houses.

The Joint Resolutions of both Houses making appropriations for completing the Book of Rolls and the collection of documents in our sister States, binding up documents in the Treasury department as to Revolutionary expenditures on the part of this State, and the binding up of the manuscript papers belonging to the Surveyor General's department, "under the direction of the Governor," has not been accomplished. Your predecessor has not, to my knowledge, given any directions as to the accomplishment of so desirable an object. I have, however, arranged the files in the Treasurer's department for the purpose of being bound, but not receiving any instruction, the work has not been completed; so also with the Book of Rolls.

The Surveyor General's papers in my possession, without any instructions from his Excellency, I have arranged and caused to be bound into nine volumes, in a substantial manner. These volumes embrace the Correspondence, Resolutions of the General Assembly, Plans of Towns, Maps of the State, Town Lines, as well as the original Field Books of the Surveyor General and his Deputies. Also, many original

Charters of Towns in this State under New Hampshire. The large parchment Charters under New York, which I have recovered, could not be conveniently bound into these volumes. I therefore propose to deposit such New York Charters of Towns as I have in my possession, in the State Department as a curiosity. Also a large Map taken from Col. Baum's Military Chest, August 16th, 1777, with its original case. Also a map of New Hampshire, including the New Hampshire Grants, published in London, A. D. 1761. The sum appropriated to arrange and bind the Surveyor General's papers is only ten dollars. This sum is insufficient; a further appropriation is necessary to complete an Index to said nine volumes. At an early period, the General Assembly appointed a Commissioner to record all the doings of the Surveyor General and his Deputies in one volume, and directed the Supreme Court to audit the Commissioner's account. This was done, but the volume was never returned to the State Department as required by law. I am not able to recover this volume without authority.

I have also arranged and bound into one volume the Debentures of the General Assembly and Council from March 12th, A. D. 1778 to 1800, including the various orders drawn on the Treasurer for the contingent expenses of each session of the General Assembly. In these manuscript documents we have not only the names of each member of the Assembly and Council at each and every session, but also the Autograph of each member and officer of both Houses, receipting their several debentures. For this service I ask a small appropriation in order to complete an index.

I again earnestly recommend the arranging and binding into suitable volumes, all the manuscript files and documents in the State Department up to the time that this State was admitted into the Federal Union, with proper indexes to each volume.

Permit me again to report the deficiency in our books of records in the State Department. No record was made of the laws passed at the three first sessions of the General Assembly, March, June, and October, A. D. 1778. Individuals were furnished with certified copies by the Secretary, and these individuals living in different sections of the State were required to furnish Town Clerks, Civil and Military Officers with a copy of the several laws. Many of these manuscript laws I have recovered. Blank pages are left in our first volumes of the journals of the House and Council with the certificate of the then Secretary, assigning the reason why those pages were left blank. These deficiencies, in a measure, have been recovered.

Again, at the commencement of my researches, the State Department and Library were deficient of printed pamphlet journals of the Assembly, of which we have record in the State Department. Long have the Secretaries of State received their stated salaries, yet they, since A. D. 1815, have neglected to record the journals of the House of Representatives. At the present time the State Department and Library are deficient of the journals and pamphlet laws of about twenty-six sessions of our General Assembly.

Agreeable to the joint resolution of both Houses requesting me to deposit with the State Librarian one copy of the Pamphlet Laws and Journals of the General Assembly of which the Library is deficient, I shall be able to deposit with the Librarian one copy of the Pamphlet Laws of each session commencing February, A. D. 1779, including the first Re-

vised Statutes, A. D. 1786, with the exception of a few sheets. I have been presented with a copy of the Declaration of Independence of New Connecticut, bearing date at Westminster, January 15th, A. D. 1777, and signed by Ira Allen, Secretary. Said Convention at Westminster was adjourned to meet at Windsor, 4th June following. Said Declaration was then further considered, and amended by striking out New-Connecticut and inserting Vermont. The Declaration itself, as well as the proceedings of those two most important Conventions, was kindly presented to me by Hon. Peter Force of the city of Washington.

I have also recorded a portion of the original manuscript proceedings of the Convention at Windsor, July 2d, A. D. 1777, convened for the purpose of adopting a Constitution. Three printed copies of our Constitution adopted by said Convention, and one copy of the Sermon preached by Reverend Aaron Hutchinson, Pastor of the Church in Pomfret, and the two adjacent towns, Hartford and Woodstock.

I have made many other collections the past year not alluded to in my former reports, nor in this. The past year I have again examined the Archives in the State Departments of Massachusetts, Connecticut, and at Washington, and discovered many important manuscript documents in relation to the New-Hampshire Grants, of which copies ought to be procured.

I discovered in the Register's office at Washington, the files in relation to the settlement with the officers of Col. Seth Warner's Regiment belonging to this State, for their depreciation. A copy of said settlement is hereunto annexed. It appears on our records that this State paid the officers and soldiers of Warner's Regiment Feb. 9th, 1780, \$8,066,67, and on the 31st January, A. D. 1783, a further sum of \$13,126,73. It appears from the annexed stated account that the Accounting officers in the Register's office found due the officers of Warner's Regiment for their depreciation from the General Government, as Continental officers, \$8,767,48, from which sum \$5,193,55 is deducted as being paid by Vermont, leaving a balance due said officers of \$3,605,05. The whole sum paid the officers and soldiers of Warner's Regiment by this State, amounts to \$21,194,56. Col. Warner's Regiment being a Continental Regiment, I am not able to divine why it is that this sum with its interest is not now justly due this State, separate and independent of all other Revolutionary expenditures on the part of this State. I therefore recommend that the documents setting forth the expenditures on the part of this State on account of the Revolutionary War, and the documents which go to show the part that the New-Hampshire Grants took in the American Revolution, be again referred to a Committee for further consideration; and if said Committee report to your Excellency in favor of presenting a claim to Congress for said expenditures, your Excellency considering it for the interest of the State so to do, I have no doubts on my mind but what the General Government will generously reward us in grants of Public Lands or money. And whatever sum of money or grants of Public Lands, received from the General Government in consideration for the services and expenditures of the people of the New-Hampshire Grants during the American Revolution, shall be religiously set apart for the benefit of our Common Schools, Colleges and Academies, forever.

Your predecessor's kind letter of introduction of June, 1845, to Hon. Edward Everett, American Minister then in London, was in due time forwarded to my son Henry, and by him delivered to Mr. Everett on the

21st of July, 1845, and on the 31st he had the pleasure of receiving a note from Mr. Everett enclosing a copy of his letter to Lord Aberdeen, and his Lordship's reply granting Henry the privilege of examining the manuscripts in Her Majesty's State Paper Office.

My son has made examination and finds many documents bearing date from A. D., 1730, to A. D., 1791, in relation to the New-Hampshire Grants. My son is now occasionally employed in said office, making researches for historical facts in relation to American history. This being a favorable opportunity, I recommend that an appropriation be made in order to procure such copies as may be considered necessary.

I propose to deposit in the Hall of the State Library Room, upon the most favorable terms, my historical and antiquarian collection, consisting of nearly one thousand volumes of regular files of Newspapers from A. D. 1741 to the present time, printed in this and other New-England States, Pamphlet Laws and Journals, Revised Statutes, proceedings of the various Councils of Censors, Election Sermons, Political Addresses, Orationes; all Pamphlets published on the part of the New-Hampshire Grants and New-York in relation to the controversy; various Books published in this State, and others, amounting to several hundred volumes; many volumes of Manuscripts embracing the correspondence of many distinguished individuals in this State at an early period.

All of which is respectfully submitted.

I am, sir, your Excellency's ob't serv't.

HENRY STEVENS.

Barnet, Oct. 8, 1846.

(F)

REPORT
OF THE COMMITTEE ON EDUCATION, RELATIVE TO
THE ACT ABOLISHING THE SCHOOL FUND.

[REFERRED TO ON PAGE 89 OF THE JOURNAL.]

To the Honorable Senate :

The majority of your Committee on Education have had under consideration Senate Bill 47, "An act to submit to the Freemen of the State whether the 'act to abolish the School Fund' shall be repealed," and respectfully submit the following report thereon :

It cannot be pretended that the proposed measure modifies our frame of government, or raises one of those great constitutional questions, which seem, above all others, most appropriate for the decision of the people in their primary assemblies. It deserves remark, also, that, even for such questions, the formers of our Constitution provided a very different mode of determination. Our frame of government can be altered only upon the recommendation of a Council of Censors, and by the votes, not of the freemen, but of their delegates in convention. A fact, which should never be overlooked when it is proposed to submit any question of general policy to the voice of the people, and highly significant of the views our fathers entertained of such a proceeding.

The truth is, that on many legislative subjects a large portion of our fellow citizens take so little interest that it is with difficulty they can be induced to act upon them. Their determination by a general vote would often fail entirely of indicating the popular sentiment. It is sometimes different no doubt. Questions may occasionally arise which come home to the personal interests and feelings of every one, and to which the whole community are alive. A large portion may feel aggrieved at the law on such a subject, and complain that the legislative body is so constituted, that their decrees do not represent the voice of the greatest number. Then, if ever, it might be proper to submit the question to the direct vote of the freemen, and by satisfying the minority of their weakness, secure that acquiescence in the decision which we, above all other nations, accord to the will of the majority.

Without expressing any opinion on this point, your Committee apprehend that no such emergency exists in relation to the "act to abolish the School Fund." Though occasionally assailed in some political papers, this has obviously been for mere partizan purposes. Your Com-

mittee have no doubt that it is generally approved of throughout the State, and meets the views of much the largest portion of our fellow citizens. It certainly has awakened no such dissatisfaction as to call for the extreme measure now asked for. It has not been so much as named in the numerous conventions, held among us for the advancement of learning and the cause of education. It has not, to the knowledge of your Committee, been censured in any general popular assembly, or become the turning point in a single election since its passage.

In fine, your Committee believe it would be highly detrimental, and even dangerous, to sanction such an extraordinary measure every time that a legislative minority complain, or see ground for hoping that a decision could be thus reversed. There can be no more certain way of impairing the respect which should be cherished for the enactments of our General Assembly, or of weakening the safe-guards which our fathers have thrown around our Constitution.

The majority of your Committee are of opinion, therefore, that the bill under consideration ought not to become a law.

JOHN FOX, *for Committee.*

(G)

R E P O R T OF THE COMMISSIONER OF THE INSANE.

[REFERRED TO ON PAGE 92 OF THE JOURNAL.]

To the Hon. the Legislature of Vermont :

The undersigned, Commissioner of the Insane, appointed by the Legislature at their session in October, 1845, "to visit the Vermont Asylum, to examine into the condition of the Institution, the receipts and expenditures, the management of the patients, and the general welfare of the Asylum," submits the following Report :

Your Commissioner has visited the Asylum during the past year, seven times ; and at each time, made particular examination into the state and condition of the Asylum, the several apartments occupied by the inmates of the Institution, and the management of, and the care bestowed upon, the unfortunate beings there confined. Whenever he has had occasion to visit the Institution, he has invariably found the several apartments, and particularly those occupied by the patients, in good condition, suitably furnished, well ventilated, neat and cleanly. In fact, every thing about the establishment indicated an air of neatness, and that a due regard was had to the comfort, convenience and welfare of the patients. Nor did there appear to your Commissioner to have been any want of care or attention to the wants and necessities of the patients, by those to whom is entrusted the care and superintendence of the Asylum ; but on the contrary, every thing seemed to have been done which could reasonably be expected in such an Institution, and which was calculated to conduce to the comfort and improvement of those committed to their charge. Indeed, it was matter of surprise to the undersigned, to find the Institution so well managed and conducted, when he reflected upon the difficulty of the task, arising from its magnitude, numbering as it does some three hundred patients, assuming all the forms and degrees of insanity, from the raving maniac to insanity of the mildest and simplest form.

Your Commissioner is aware that complaints have, in some instances, been made of the conduct of the officers of the Asylum in their treatment of the patients. He has given the subject of those complaints which have come to his knowledge, his particular attention, and is constrained to say that he believes them to be unfounded. He has the satisfaction of believing that the Institution is conducted as well as any of the kind,

that it is in a most prosperous condition, and is eminently entitled to the confidence and support of the public.

In relation to the pecuniary condition of the Asylum, it appears from an inspection of the books of the Institution (which your Commissioner has no doubt represents its true condition) that the trustees have expended for real estate and the erection of suitable buildings thereon, the sum of forty-one thousand, four hundred and seventy-one dollars and five cents.

\$ 41,471 05

That they have on hand personal estate, valued at seven thousand, four hundred sixty dollars and fifty cents, exclusive of demands due and owing to the Asylum.

7,460 50

That they have demands due and owing to the Institution to the amount of \$ 16,158 95, which are believed to be good and collectable.

16,158 95

Total amount of assets which are available,

\$ 65,090 50

The Asylum also has demands against sundry individuals to the amount of \$ 444 18, which are of doubtful character, and from which it is uncertain whether anything will be received.

The Asylum has also demands to the amount of \$ 943, 89, against persons who are poor and from which nothing will probably ever be received.

It further appears by the books of the Asylum, that the Institution is indebted to sundry individuals, in all, to the amount of \$ 14,838 42, which is the entire amount of their liabilities.

\$ 14,838 42

From the above statement it appears that the assets of the Institution, over and above its liabilities, amount to the sum of

\$ 50,252 08

The funds have been received from the following sources, to wit:

From the donation of the late Mrs. Marsh, including interest,

\$ 10,819 70

From appropriations made by the State,

23,000 00

From other sources,

16,432 38

\$ 50,252 08

Which is respectfully submitted.

DANIEL KELLOGG.

1 October, 1846.

(H)

REPORT

OF THE SELECT COMMITTEE ON THE SUBJECT OF A
TARIFF AND THE PROTECTIVE POLICY.

[REFERRED TO ON PAGES 106 AND 128 OF THE JOURNAL.]

To the Hon. Senate, now in session:

The Select Committee of the Senate to whom was referred so much of the Governor's Message as relates to a system of Protective Policy, and the overthrow of that policy by the action of the National Government, submit the following Report:

It would hardly seem that a principle coeval with the Government itself, and one which contributed more largely than any other to the formation of the Union, should at this period engage the attention of any Legislature for purposes of its defense or its perpetuity. The history of our Government informs us that a system of protective policy was among the earliest subjects which engrossed the attention of the National Legislature. The power of Congress, under the Constitution, to construct laws for the protection of American interests was undoubted, and that power was unhesitatingly exercised for nearly half a century.

The present administration of our Government, however, is based upon altogether different principles; for the right of Congress to exercise this power for purposes of protection, and against the influx of foreign goods, has of late been questioned, and the principle of Tariff duties quite reversed. The system of levying duties with a view to protection is abandoned, and that of revenue established. And, if your Committee rightly understand, the doctrine of the present administration is, that impost duties may be levied for purposes of revenue but not for purposes of protection.

That the power of levying impost duties originally belonged to the States, is a fact which all undoubtedly will admit. That this power was transferred to the General Government is evident from the Constitution itself. So sure, then, as the States possessed this power with the right to exercise it, so sure does the Government now possess it, as also the right to exercise it,—unless it can be shown that a transfer of power abolishes that power. That no doubt existed in the early administration of the Government in relation to this power, will be seen by referring to the Executive communications made to Congress from 1789 to 1890 inclusive. Washington, in his first annual Message of

8th January, 1790, says, "That the safety and interests of the people require that Congress should promote such manufactures as tend to render them independent of all other nations," &c. &c. Again in his last communication to Congress he called their attention to the further encouragement of manufactures, regarding it of "too much consequence not to ensure a continuance of their efforts in every way which should appear eligible." Jefferson, in his Message of December 15th, 1802, says: "To cultivate peace and maintain commerce and navigation in all its lawful enterprises, to foster our fisheries, and to *protect* the manufactures adapted to our circumstances," &c. &c., "are among the landmarks by which they were to be guided in their proceedings, thereby endearing to our countrymen the *true principles* of their *Constitution*." Again Jefferson, in his annual communication of November 8th, 1808, says, in reference to our internal improvements and manufactures, "That little doubt remains that these establishments formed and forming," &c. &c., "will under a system of *protective duties* and *prohibitions* become permanent." Here then does the great apostle of liberty and expounder of the Constitution endorse the doctrine that Congress have the power not only to protect by duties, but if need be, for the sake of protection, to *prohibit*. President Madison, also, in repeated instances, in his Messages to Congress, not only acknowledged the power of Congress *over*, but spoke of their duty in reference *to*, the great principles of protection. In his special Message to Congress of February 20, 1815, he holds the following language: "There is no subject that can enter with greater force and merit into the deliberations of Congress than a consideration of the means to *preserve* and *promote* the manufactures which have sprung into existence and attained an unparalleled maturity in the United States. This source of national independence and wealth I *anxiously* recommend, therefore, to the *prompt* and *constant guardianship* of Congress." President Monroe, in his Inaugural Address of March 5th, 1817, maintained the following: "Our manufactures will likewise require the systematic and fostering care of the Government. It is important that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on *Agriculture* and every branch of *industry*. Equally important is it to provide at home a market for our raw material, as by extending competition, it will *enhance* the price and *protect* the cultivator against the casualties incident to foreign markets." He also submitted to Congress in his Message of November 17th, 1818, the expediency of further *protecting* our manufactures. The same subject is again referred to in his Messages of December, 1819, 1821, 1822 and 1823, and for the same purpose.

President Adams, the great vindicator of human rights, of the Constitution, and the doctrine of protection to American industry, maintained the same principles throughout his administration.

President Jackson, also, in his Message of December 7th, 1830, says, "The power to impose duties on imports originally belonged to the States. The right to adjust these duties with a view to the encouragement of *domestic industry*, is so completely incidental to that power, that it is difficult to suppose the existence of the one without the other. The States have delegated their whole power over imports to the general Government. This authority having thus entirely passed from the

States, the right to exercise it for the purpose of protection does not exist in them, and consequently, if it be not possessed by the Government it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the destructive policy which might be adopted by foreign nations. *This surely cannot be the case.* The indispensable power thus surrendered by the States must be within the scope of the authority on the subject *expressly delegated to Congress.*"

Adding to the foregoing testimony the evidence derived from the legislation of the Government during this whole period, the acquiescence of the whole country in these principles and practices, your Committee regard it a truth too well settled to admit of even a transient doubt. The power of Congress is unrestricted, and may be exercised as policy and the interests of the people may dictate, from the point of admitting articles free of duty up to prohibition. The question then presents itself, in what manner shall this power be exercised? To raise a revenue sufficient to defray the expenses of Government is a matter of absolute necessity. To adopt a system of *direct taxation* is a project which the people of this Union are by no means prepared to approve. To adopt as a general principle, then, a system of admitting articles free of duty on the one hand, or of prohibition on the other, is evidently foreign from the duty of Congress. A medium course is to be pursued, and a revenue raised by impost duties, either upon the principle of *revenue* and *protection* or upon that of revenue alone. The policy of our Government thus far, or until the inauguration of the present Executive, has been to construct our revenue laws with a view both to *revenue* and *protection*. The unparalleled prosperity of our country under this system, the growth of our manufactures, the increase of population and wealth, the general distribution of knowledge and happiness among all classes, and our near approximation to an entire independence of all nations, is the best eulogy that can be pronounced upon the wisdom of our national legislators, and the best evidence of the justice and expediency of such a policy. A policy which contemplates *revenue* alone, looks to such an arrangement of duties as will encourage importation for the purpose of securing that revenue, and in such manner as will secure the greatest amount of revenue upon every single article, irrespective of any other consideration, taking care so to reduce the duty as not to exceed, in amount of revenue, the sum wanted. Your Committee believe that this system would, in the very nature of things, strip every article of the last vestige of protection. Incidental protection resulting from such a system, your Committee regard as a mere consequent, *too* uncertain in its operations, and *too* weak in character, to be regarded by the friends of American industry as having in fact any other existence than in name.

The system heretofore adopted has most admirably answered the ends for which it was introduced, it has furnished the protection sought by its friends, and has also produced the revenue needed. It has accommodated itself to the consumer, by reducing the price of the manufactured article, and has furnished a safe and sure market for the agricultural products of the country. A system of low duties, levied according to President Polk's revenue standard, invites both the commercial men of our own country and the foreign manufacturer and merchant to flood our markets with foreign goods. This will lead to consequences most

prejudicial to the interests of this people. It drains the country of its specie for the payment of such importations, and robs us of the market we should otherwise have for our own goods. Whenever an attempt has been made to lessen the duties on foreign importations, consequences have followed most injurious to the best interests of this country.—The operations of the “compromise act” upon the business and prosperity of the country, is a fair exponent of the principles and results of low and unprotective duties. On the passage of that act, our country for the first time was out of debt, and enjoying a degree of prosperity without a parallel in the history of nations. The tariff of '16, '24, and '28, had furnished a revenue equal to the expenses of the Government, the payment of the National Debt, and had left a surplus of many millions in the Treasury of the United States. The protective policy having been attacked by Southern nullifiers, the project of a gradual reduction of duties was brought forward and passed. During this period, the administration of the Government was such as again to plunge the nation into debt, the currency was deranged, business depressed and stagnated, and the whole country languished and bled at every pore. So great and distressing were the evils brooding over the Nation at this crisis, that Congress was called together, for the express purpose of providing relief, and to this end was the tariff of 1842 passed and the protective policy re-established, by the persevering efforts and untiring industry of the friends of protection, against a most powerful opposition in Congress as well as among its opponents abroad. The tariff of '42 was, under the circumstances, the best that could be obtained, and although by no means perfect, yet it had in view both *revenue, and protection*. Let us pause for a moment, and consider the operation of this measure upon the business of the country, the revenue and credit of the Government, and upon the labor and industry of the people. The business of the country, which was then so deranged and unstable, has been since 1842 revived and so strengthened as to give to its operations uniformity and health, thereby restoring that confidence so-necessary to the success of a business people. The revenue has been increased to the amount of nearly ten millions annually, and the credit of the government brought back to a position undoubted, and industry, in the language of his Excellency, “has been reaping in every department of labor a competent and sure reward.” Well may it be asked, then, why a measure which had operated so well, and one which so perfectly fulfilled the predictions of its friends, and so completely falsified those of its opponents, should be repealed? Well might it have been improved and perfected so as to accommodate itself to the various interests of the whole people. But no, its friends were told that the principle upon which it was based was wrong, and must be overthrown to make room for revenue alone. It was overthrown, and one substituted, based upon the following principles, as claimed by its friends:

1st. That no more money should be collected than is necessary for the wants of the Government, economically administered.

2d. That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

3d. That below such rate, discrimination may be made, descending in the scale of duties, &c., &c.

4th. That the maximum revenue duty should be imposed on luxuries.

5th. That all minimums and all specific duties should be abolished, and ad valorem duties substituted in their place.

The Secretary of the Treasury in his report holds the following language: "Should Congress desire a larger revenue, it should be procured by taxing free articles rather than transcend, in any case, the lowest revenue duties." This platform on which to build a tariff of duties wholly and totally abandons the principle of protection, and in the absence of the necessity for revenue, resolves itself into free trade principles. The announcement of this new doctrine shadows forth the future designs of the present administration and has sent consternation and alarm through the ranks of the friends of American industry throughout the land. The landmarks which Jefferson spoke of as "endearing to our countrymen the *true principles* of their Constitution," have been removed, and we are now called upon to abandon the principles under which we have lived and prospered beyond any nation on the face of the Globe—and for what? Why, in order to discriminate in favor of foreign labor and foreign capital,—and this too at a time when the country requires a greater revenue than at any other period in its history. But we are told that the reduction of duties is to increase the revenue. *This*, if true, your Committee regard as one of the greatest of calamities. To increase a revenue by decreasing duties, can only be effected by a resort to excessive importations, and this is destructive to our own market and our own labor. Whatever is manufactured abroad and consumed in our own country, adds nothing to the labor of our people, and so far as the market is supplied by foreign articles, so far is our own market abridged. In order to raise the amount of revenue received in the year 1845, under the present rate of duties, there must be an increase of nearly twenty millions in our importations, and an increase of expenditures must be still followed by an increase of importation, and so on, ad infinitum. The ability of our nation so to practice will be found insufficient. Import twenty millions more of goods annually than we now do, in order to keep our present amount of revenue, and you not only carry out 20 millions of dollars in payment, but you destroy our home market to the same amount, making a difference of 40 millions with the business and capital of this nation. This your Committee believe cannot be done without producing distress and bankruptcy throughout the land. The result of this experiment must be apparent. If we fail to import, we lose our revenue; if we import, we cannot pay:—on either hand, then, the experiment must fail. The repeal of the act of 1842 and the passage of the act of 1846 was attended, as your Committee believe, with circumstances most extraordinary. The Government was involved in the most expensive war that she ever engaged in, calling for large appropriations in the present tense, and wholly unable to anticipate the end of the war, or the amount of money needed to conduct it to a successful issue. The operations of the 'Tariff of '42 upon the finance and business of the country were truly auspicious.—The Treasury of the United States was replenished; life, energy and activity had been imparted to the business of the country throughout its various departments, and the response to the anxious inquiry was, "All is well." At this juncture was the cry of repeal heard at the Capital and echoed through the land. A new Bill was brought forward, which proposed a radical change in our whole Tariff system.

The opponents of the new Bill in the Senate contended with great

force of reasoning, supported by undeniable facts, that the change of policy proposed by the measure, would be most disastrous in its operations upon the business and finances of the country; and called in the most solicitous manner upon the friends of the measure to defend it, and state to the country the reasons and the grounds for the proposed change; but all to no purpose. No Senator responded to the call, no one defended the measure or condescended to state the reasons for the change, but all, as has been said, "preserved a studied silence," tacitly saying, *the edict has gone forth, Repeal is our motto, Repeal is our argument, Repeal is our answer.* And in the repeal, a principle is overthrown, without which, in the opinion of your Committee, no nation can prosper. The principle upon which duties are now levied, looks to revenue alone—and whether any article or any interest is, or can be protected, is wholly dependent upon the *fact* of whether the revenue on such article or interest, may be preserved or increased by an increase of duty—if not, no protection can be had. Your Committee believe that the great manufacturing, agricultural, and mechanical interests of the country need protection, and any construction of the Constitution, or principle adopted as the rule of practice, which prevents such protection, is a gross violation of the rights and interests of the people. The great question before the American people at this time, is not so much upon the details of a Tariff Bill, (though in that they are vitally interested) as upon the *principle* upon which our Tariff *may* and *shall* be based; and this question the American people have got to decide.

To compare the relative merits of the *Tariff Bills* of '42 and '46, would be too extensive a labor for the time devoted to this report. The Tariff of '42 discriminated for protection, and to that end also, were *specific* and *minimum duties* resorted to. These duties, while the practice is to levy duties on the foreign cost, seem to be indispensable, in order to avoid, to some extent, impositions by low estimates and false invoices. In the Tariff Bill of '46, in following the fundamental principle upon which it is based, its framers have abandoned the specific and minimum duties in toto, and if the details of the bill are not exactly in keeping with the principles upon which it is based, no reason can be assigned by the Committee, but the want of workmen sufficiently skilled to work to the *line*.

The reduction made on Wool and Woolens materially affects the interest of Vermont. To find a market for her Wool and Produce, is at present her great business. The manufacturer is to a great extent, in New-England, *that market*; whatever injures or embarrasses the manufacturer, injures and embarrasses the producer—a reduction on Cloths is emphatically a reduction on Wool; destroy the manufacturer's means to sell, and you destroy his ability to buy; as the manufacturer suffers by low duties, in the same ratio will the producer be likely to suffer. The Tariff of '42 gave a duty on Wool costing 25 cents per pound of 10 1-2 cents, and that costing 7 cents or under, a duty of 5 per cent., and the provisions of the act so perfectly guarded against fraud, that had the letter and the spirit of the law been faithfully carried out, not a pound of Wool which comes in competition with that of Vermont could have been imported under the low rate of duty. In exchange, the present Tariff raises the duty on coarse Wool one cent and seven mills, and reduces the duty on Vermont Wool 3 cents per pound. If frauds existed under the act of '42, they are to be expected under that of '46. The 3

cent specific duty being taken off, the fine Wools may now be imported under false invoices, to the great detriment of the Wool growers of Vermont. While the act of '46 raises the duty 25 per cent. on 7 cent Wool, it reduces it about 35 per cent. on 7½, 7¼ and 8 cent Wools, and so on in the ratio which the reduction bears to the cost.

The Committee, however, do not propose to go into details, but will here adopt the language of certain Administration members of the free States. Senator Niles remarked in his opposition to the Bill, that "they might diminish the profits of large establishments some, but they could not crush them, *they* can stand, by warding off the blow and transferring the sacrifice to others. The blow falls directly on labor"—And then inquires, "Why this experiment is to be tried? Is it to see how much reduction labor will bear? Is it to test the cold, heartless, miserable *theory of free trade*? a theory which no nation on earth ever put in practice, a theory fit only for speculative minds and the closet, wholly unworthy of Statesmen or enlightened Legislators." Mr. Cameron also remarked that "if the Bill had been drawn by a British statesman, it could not have discriminated more in favor of British workmen, nor have done more wrong to our mechanics and manufacturers."

Such was the language used upon the floor of Congress, by members who were bound by the strongest political ties to the dominant party; men too, who, but for the deepest convictions of duty to themselves and their country, could not have been induced to have thus dissented. The merits of the two measures of '42 and '46 were thus spoken of by men who said nothing relative to the principles upon which they were based. It has been the object of the Committee to examine rather the principles which have guided legislation heretofore, and those proposed for future action by the present Administration, than to examine the relative merits of the present and past Tariff Laws. They would not, however, withhold expressing their deep convictions that the present Tariff is by no means American in its character, that its tendency is to foster foreign capital and foreign labor, and cripple that of the United States—and that Vermont will never cease in her demands upon the government until her rights are restored.

Your Committee respectfully recommend the adoption of the accompanying Joint Resolutions.

AUSTIN BIRCHARD,
ARTEMAS CUSHMAN.

RESOLUTIONS.

Resolved, by the Senate and House of Representatives, That in conferring upon Congress the power to lay and collect taxes, duties, imposts, and excises, for the purpose of paying the debts and providing for the common defence and general welfare of the United States, the Constitution recognizes the obligation to secure revenue and protection, with equal plainness.

Resolved, That Vermont steadfastly adheres to that policy which was coeval with the organization of the Federal Government, of imposing

duties upon foreign products, with such discriminations in the rate of duty and the articles taxed, as shall secure a revenue adequate to the wants of the Government, and liberal protection to the productions of our people.

Resolved, That we do now, in the name and behalf of the people of Vermont, most earnestly and solemnly protest against the act of the last session of Congress entitled "*An act reducing the duty on imports, and for other purposes*," as being a measure entirely subversive of the wise and beneficent principles which have been maintained from the foundation of the Government, and an ill-timed and dangerous experiment upon the finances of the nation and the business of the people.

Resolved, That the Governor be requested to furnish a copy of these resolutions to the Governor of each State in the Union, and to our Senators and Representatives in Congress.

(I)

REPORT
OF THE COMMITTEE UNDER THE FIFTH JOINT RULE
UPON LEGISLATIVE RESOLVES OF THE
STATE OF GEORGIA.

[REFERRED TO ON PAGE 111 OF THE JOURNAL.]

To the General Assembly of Vermont :

Your Committee appointed under the 5th Joint Rule to whom was referred a certain preamble and legislative resolves of the State of Georgia in reply to certain legislative resolves of the State of Massachusetts proposing an amendment of the Constitution of the United States, "to be acted on according to the 5th Article, so that the third clause of the second Section of the first Article shall read in the words following :

Representatives and direct taxes shall be apportioned among the several States which are or may be included within this Union, according to their respective numbers of free persons, excluding Indians not taxed," respectfully report the following resolution :

Resolved, by the Senate and House of Representatives, That the General Assembly of Vermont dissent from the views presented in the preamble and legislative resolves of the State of Georgia, on the proposition to amend the Federal Constitution, and concur in the legislative resolves of the Commonwealth of Massachusetts.

JOHN KIMBALL, *for Committee.*

(K)

REPORT

OF THE COMMITTEE UNDER THE FIFTH JOINT RULE, RELATIVE TO SLAVERY AND THE MEXICAN WAR.

[REFERRED TO ON PAGE 127 OF THE JOURNAL.]

Your Committee to which was referred so much of the Governor's Message as relates to Slavery and the Mexican War, begs leave to report :

That no subject within the jurisdiction of the Federal Government appeals so strongly to the feelings and weighs so heavily upon the hearts of her citizens as Slavery. To say that they utterly abhor the inherent injustice and inhumanity of Slavery, and the cruelty and crimes which are its incidents, and earnestly desire the emancipation of the slaves, as a measure which is in their judgment practicable, safe, and full of mercy and blessings to both master and slave—would be only to repeat truths which, by the bold utterance of her sons and daughters, and the oft-repeated record of legislative resolutions, have become as familiar as household words in every section of the Union. It is therefore deemed unnecessary to enlarge upon this part of the subject, or to repeat the resolutions which have frequently been adopted.

But your committee heartily concurs in the views of His Excellency the Governor, and believes that there are other and new features connected with the institution of Slavery, which are of commanding interest to us as legislators, and imperatively demand the action of the State. The annexation of Texas to the Union, in violation of the Constitution, has been consummated. For that wrong done to the constitution we know of no remedy, unless by some possible contingency the highest judicial tribunal of the nation may be brought to pronounce judgment upon the act. We perceive no mode in which Vermont can secure that end; and so far as she is concerned, therefore, the work of annexation seems to be irrevocably determined. It is from that act, however, that the new features proceed which now demand our attention.

Your committee is impressed with the conviction that the annexation of Texas and the conquest of Mexico are parts of a stupendous scheme, designed for the perpetuation and extension of Slavery, and the permanent establishment of a political policy in the nation, subservient in all its features to this atrocious design. A brief allusion to recent remarkable events will show the grounds of this impression. Texas sought annexation with a pledge to divide the territory into free and slave States; but when the act was consummated, we found the whole of Texas ad-

mitted as a single State, with a constitution not only tolerating the institution of Slavery, but containing one of the most horrible provisions which ever was invested with the form of law—an absolute prohibition of any future change, which shall abolish the system of human servitude. The next step in the progress of events was an enlargement of the territory of the State of Texas, which is of course to come within the jurisdiction of this remarkable constitution—by claiming all the land lying between the Neuces and the Rio Grande. This claim was followed speedily by a practical refusal, by the President of the United States, to settle the claim and the question of boundary by negotiation; and in quick succession came the march of our army through the disputed territory, and the erection of batteries with cannon pointed into a Mexican city and upon indisputable Mexican territory. The existing war was thus directly provoked by the Executive; it came speedily, without even the form of a declaration by any competent authority—it was simply recognized by Congress under the pressure of peculiar circumstances,—and under this simple recognition of the war, the Executive is employing the army and navy, with zeal, bravery and skill worthy of a nobler cause, in conquering and summarily annexing town after town, and territory after territory, to the United States. We cannot shut our eyes to the fact that this war was fomented by the same sectional interest which forced Texas into the Union, and now suggests that it be divided into *two* slave States—nor resist the conclusion, that it is part and parcel of the Texas scheme. Is it not obvious that conquest of territory will be followed by the migration of slave-holders, and that States will arise with constitutions framed to perpetuate the abominable institution of slavery and claim admission into the Union on equal terms with Texas? And shall the non-slaveholding States submit to this? Is the vast territory of Mexico to become a part of the Federal Union? Is it to be made one vast market for slaves? Are the present States of the Union to be overwhelmed with new territory acquired by force, and with a vast population entirely unfitted by ignorance and degradation for the high privileges of citizens of the Union? Measures of this kind are diametrically opposed to the great objects for which the Constitution purports to have been formed: obviously, they tend to a dissolution of the Union—to disturb domestic tranquility—to bring upon us the hostility of the whole civilized world, and to endanger the blessings of liberty, which it was the design of the fathers of the Republic to secure to themselves and their posterity.

Your committee believes that it is unnecessary to enlarge upon this topic: dangers so vast and imminent need but to be named in order to awaken the liveliest apprehensions of every lover of liberty, and to press him to the most effectual means of averting them.

With such evidence before them of a determination to make Slavery the chief element in the Government—to shape its whole domestic and foreign policy, and, if recent events foreshadow the future, to crush the energies of Free Labor and reduce the industrious masses of the North to the condition of slaves,—let us put it distinctly to the several States to say, whether they will honorably and lawfully resist like freemen, or tamely submit like slaves.

Your committee sees nothing so likely to be effectual as a blow at the root of the evil—a determination to exclude every new slave State from admission, and to appeal to all the States of the Union to unite in this

determination. It is but courteous to put this issue to the slave States as well as the free, and we would do it earnestly, seriously and fairly—with no wish or design to give offence, and with no purpose but to incite them to a calm consideration of a question which is of absorbing interest to all the States, but of peculiar and deep importance to them. We would fain hope that the sentiments of Washington and Jefferson upon this delicate subject may yet find a response in the Southern States: and encouraged by the patriotism and prudence which have been displayed by not a few of Southern statesmen upon the Texas question, we would rejoice in the expectation that even from the South will there come aid to stop this wild and wicked career of conquest—to restore peace—to maintain the integrity of the Union—and to avert the just judgment of Heaven from our guilty land.

Your committee recommend the adoption of the following preamble and resolutions:

Whereas, In our judgment the existing war with Mexico was not founded in any imperative necessity such as may justify or excuse a Christian nation for resorting to arms, and has now manifestly become an offensive war against a neighboring Republic; and whereas we have just grounds for anticipating that the territory which has been or may be occupied or conquered, will become Slave territory, and as such claim admission to the Union; and whereas its admission as such, and with a mixed population degraded by ignorance and superstition and allied to us neither in interests, character nor language, will endanger the harmony, welfare and perpetuity of the Union, therefore be it

Resolved, by the Senate and House of Representatives, That the honor and best interests of the nation will be subserved by a speedy end of the war with Mexico, and a settlement of all matters in dispute by arbitration or negotiation.

Resolved, That Vermont will not give its countenance, aid or assent to the admission into the Federal Union of any new State whose constitution tolerates Slavery; and does hereby appeal to each of her sister States to concur, in its own name, in its declaration.

Resolved, That the Senators and Representatives in Congress, from Vermont, will conform to the hearty wishes of their constituents, by earnestly supporting the principles set forth in the foregoing preamble and resolutions, and in using all other just, effectual and constitutional means to avert the tremendous evils of Slavery, and resist its encroachments upon the rights and interests of the non-slaveholding States.

Resolved, That His Excellency the Governor be requested to forward a copy of these resolutions to the Governor of each State in the Union, and to our Senators and Representatives in Congress, under the seal of the State and with his signature of approval.

H. E. ROYCE, for Committee.

(L)

REPORT

OF THE MINORITY OF THE SELECT COMMITTEE ON THE TARIFF AND THE PROTECTIVE POLICY.

[REFERRED TO ON PAGE 128 OF THE JOURNAL.]

To the Hon. Senate, now in session :

The undersigned, a minority of the Committee to whom was referred so much of the Governor's Message as relates to the Tariff, respectfully reports :

That after mature deliberation upon the subject embraced in that portion of His Excellency's Message referred to said Committee, and as much examination of the same as his other duties would permit him to bestow upon it, he has not been able to coincide in all the arguments or to assent to the conclusions of the majority of the Committee as set forth in their report.

The undersigned, therefore, begs leave to state briefly the views entertained by himself upon the subject embraced in that portion of His Excellency's Message above referred to, and the reasons of his dissent from the conclusions of the majority of the Committee.

The time which the undersigned has been able to give to the consideration of this subject has been altogether too limited to enable him to go into any thing like a general discussion of this important matter ; but as it is of immense national interest, the undersigned does not feel at liberty to shrink from an effort in some degree to discharge his duty, and therefore would present a few facts and considerations, at the same time he is compelled to admit that there are many others of great importance which might, and ought to be presented, as worthy of the careful attention of the people of this and other States, tending to the same conclusion to which he has arrived in the premises.

The principle of protection to agriculture, manufactures and the mechanic arts has been generally recognized by all classes of the people of the State of Vermont, from their earliest history to the present time. At an early day a law was passed, giving a bounty on the growth of wool and the manufacture of cloth of various kinds ; and it was through the encouragement that was given by legislative enactment to home industry that this State was enabled to pay, in her infancy, \$30,000 to extinguish the claim of New York to her territory, and also to redeem her bills of credit, issued during the revolutionary war ; and what is a little remarkable, Vermont was the only State that redeemed her bills of credit at par. Indeed, Vermont has stood alone upon the floor of

Congress at a time when every State in New England was opposed to the protective system.

The annual Executive Messages, since the organization of our government have seldom, if ever, failed to present this subject for the favorable consideration of the Legislature and people of this State.

The venerable Galusha, in his message in 1810, says: "We have the means of wealth and improvement within our own territory, and were we to turn our attention to our internal resources, and foster our infant manufactures the belligerent nations of Europe would soon seek our friendship. The manufactures in various parts of our country are increasing with a rapidity unparalleled, and the pride of every American begins to be gratified with a dress of our own manufacturing."

It is worthy of remark that, not long previous to 1810, Congress had laid an embargo on certain importations and passed a non-intercourse act, and thereby had stimulated many to embark in the various branches of manufacturing business; but, as might naturally be expected, owing to the many imperfections in their machinery, the want of proper skill in their business, and the large importations from foreign nations, after the war, many of those establishments failed, and, for a series of years, great depression and embarrassment ensued throughout our country.

Governor Van Ness, in his message in 1823, says: "The manufacturing interest of the United States has been left to struggle with obstacles which it can never overpower, until encouragement afforded to the importation of foreign goods shall be withdrawn by a sufficient increase of duties, or by prohibitory regulations."

He further says: "On the subject of manufactures I have already expressed myself. But I would add, that I deem it important to afford every facility to manufacturing establishments by acts of incorporation, by reasonable exemption from taxes, and by whatever other means may be within our proper sphere of action."

General Washington in his first message to Congress, delivered on the 8th of January, 1790, says: "The advancement of agriculture, commerce, and manufactures, by all proper means, will not, I trust, need recommendation, but I cannot forbear intimating to you the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions from abroad, *as to the exertions of skill and genius in producing them at home.*"

The term "manufactures," used as above, is meant to be understood in its most comprehensive sense, embracing every kind of mechanic art.

Although Congress, on the 10th of April of the same year, passed a law for securing patents to the inventors of useful arts, the fact, that the mechanic arts were in their infancy, and the situation of the country was such that the encouragement, so strongly recommended, has been wholly ineffectual in many cases, as the history of Fulton, Evans, Whitney, and many others, will show, leaving many of the greatest benefactors of our country to struggle and die in poverty and neglect.

In December, 1796, General Washington again very strongly urged the attention of Congress to the three leading interests of the country, and, among other things, says: "It will not be doubted that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public pat-

ronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end, none have been attended with greater success than the establishment of boards, composed of proper characters, charged with collecting and diffusing information, and, enabled by premiums and small pecuniary aids, to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common centre the results, every where, of individual skill and observation, and spreading them thence over the whole nation. Experience accordingly hath shown that they are very cheap instruments of immense national benefit."

These important suggestions of the father of our country have been permitted to pass, mainly unheeded, except by the encouragement that has been afforded by way of duties on importations, which in many cases has been inadequate; and the appropriation of \$1,000, out of the fund created by way of fees for granting patents, to be expended in the collection of agricultural statistics, and for other agricultural purposes, made in 1839.

The term "agriculture" used above, is to be understood in its most comprehensive sense.

The undersigned believes that no one who has presided over the administration of the United States government, since its organization, has failed to present the three great interests of our country for the favorable consideration of Congress.

The importance of a reasonable protection and encouragement to agriculture and the mechanic arts, by preserving the home market for their benefit, as far as practicable, without allowing an undue advantage to either over the other, or destroying commerce, by which we are enabled to dispose of our surplus and receive in exchange such products of other countries as we need, must be apparent to all. It is computed that we now have twenty millions of people, and that our aggregate consumption of the products of agriculture and manufactures is equal at least to \$40 each, making a home market of \$800,000,000.

The Tariff of 1828 afforded a very high protection to the agricultural and manufacturing interests of the country, and particularly those of manufactures. A very large amount of capital was added to that which had before been invested in manufactures, and ingenious and skillful mechanics were sought after and patronized. Every means possible were used to perfect the machinery for manufacturing purposes, in order to increase their products, and at the same time reduce the labor and expense. Under such a state of things, obstacles that before seemed insurmountable were overcome, and the mechanic arts, connected with the manufacture of cotton and wool, advanced with a growth that is unparalleled in the history of the world. About six hundred inventions have been patented since the first of January 1828, connected with the manufacture of cotton, wool, flax, hemp, and silk; and the undersigned has it from a reliable source that such has been the advance in improvements, that most of the machinery in use seven years ago, is not now worth running, for that cause alone. Massachusetts alone had in April 1845, \$59,145,767 invested in the various branches of manufacturing business, \$27,456,852 of which was invested in the manufacture of wool, cotton,

and linen, in their several branches, and the machinery connected therewith, and the whole amount of their manufactures for the year ending April 1845, was \$ 114,478,443, and for the past year unquestionably the amount is at least \$ 130,000,000, being nearly two-thirds the whole amount of annual exports from Great Britain.

Since these things are so, it now becomes important that the people of agricultural Vermont investigate the matter, and ascertain the true situation of the three leading interests of our country; for if there has been an important change in the situation of either branch, it is the part of wisdom to suit our efforts to their present state, lest, while we would still extend a fostering hand to each, the tendency of the measures adopted should be to depress agriculture, the basis of all our prosperity; for it is apparent that what once might amount to mere reasonable encouragement, would now amount to downright oppression towards those engaged in agricultural pursuits.

To illustrate the view of the undersigned, he would state that, at an early day, the mail was carried on horseback at the rate of from 30 to 50 miles per day. In process of time, stages came in use for transporting the mail. Next in order came steamboats, then railroads, and last of all came the magnetic telegraph. Would it not amount to oppression to impose such a tariff of postage as to enable the stage proprietor to do a thriving business in opposition to the telegraph? Such a tariff would enable the proprietor of the magnetic telegraph so to graduate his charges, as to derive immense profits and leave the stage proprietor where he was before, while such a tariff would be a severe tax upon the public.

If this is a parallel case, it is apparent that some other remedy is to be applied than that of a high tariff for the benefit of the manufacturing interest at large: and the undersigned believes, and will endeavor to prove, that the cases are parallel. In doing this, it will be necessary to look at the history of manufacturing by machinery.

The first factory, or place where the entire process of manufacturing cloth is said to have been carried on, was in a work-house, and originated probably between the years 1733 and 1757. The first spinning machine was invented by John Watt in 1733. The first fly shuttle was invented by John Kay in 1738. The first spinning jenny, by which more than one spindle was made to operate in one machine at the same time, was invented by Sir Richard Arkwright in 1768. The first carding machine was invented by Lewis Paul in 1748, and consisted of a single cylinder, and a circular board underneath it, with strips of cards on each, and was made to operate by hand, with a crank, the cylinder being raised up when the article to be carded was put into, or taken out of the machine. The first power loom was invented in 1784, by Dr. Edmund Cartwright. The introduction of these rudely constructed machines into use was much retarded by the opposition and violence of those who had carried on those branches of business by hand labor. A very large proportion of the improvements on machinery for manufacturing purposes has been invented by the mechanics of the United States, the most valuable of which have been invented since the first of January 1828. Since that period, there has been patented about 20 improvements on carding machines, about 45 on the cotton gin, about 50 on flax and hemp machines, about 100 on looms, and about 130 on different spinning machines. The simple machine for spinning, by Arkwright, with but few

spindles, has given place to machines with from 120 to 220 spindles. Vermont has contributed much in this great work of improvement. By means of a recent improvement of a Mr. Hartwell of this State, one individual it is said, can spin 100 pounds of wool in a day, after it is roped, so that in the process of manufacturing, one will card, another rope, and another spin 600 pounds of wool per week, at an expense of about \$2,00 each per week, besides their board. Among the most valuable machines invented by our mechanics, connected with the manufacture of cotton and wool, the undersigned would mention the cotton gin, the burring machine, and the worsted drawer. The two latter are to the manufacturer of wool, and might be to the wool grower, what the cotton gin is to the planter, or manufacturer of cotton.

It is within our recollection that about the years 1814 to 1820 the price paid for weaving cotton was eight cents per yard. Now the whole expense of manufacturing cotton cloth does not exceed about one cent per yard for heavy cotton cloths, and the expense of stamping calico is only half a cent per color, per yard, where from four to eight colors are given.

In 1811, cotton was worth 20 cents per pound, cotton yarn \$1,12 per pound, and cotton sheeting and shirting from 35 to 75 cents per yard, as appears from the report of Mr. Gallatin. Now, cotton is worth about 7 cents per pound, and sheeting and shirting is worth from 3 to 7 cents per yard by the bale. In 1811, the whole amount of cotton spun in the United States was only 3,600,000 lbs. In the year ending in April 1845, the amount manufactured in Massachusetts alone was 56,901,954 lbs. The amount of exportation of cotton is decreasing. In 1836, the value of cotton exported was \$71,284,925. In 1842, it only amounted to \$47,593,464. In 1842, the whole value of cotton goods imported into the United States was \$9,578,515. In the year ending in April 1845, the value of cotton manufactured in Massachusetts alone was \$12,193,444, without including the increase in value by bleaching, coloring or printing, and there were 23,171,204 yards bleached or colored, and 40,855,810 yards made into calico.

It becomes an important inquiry, What has wrought the great change in the value of cotton, and cotton goods?

The undersigned believes that it is a sound axiom, that the manufacturer with the most improved machinery governs the price of the manufactured article, while the manufacturer by hand, and those with ordinary machinery, govern the price of the raw material. Of course the supply of the raw material will sometimes vary, and that will vary the price of both; but this is only temporary. The cloth being manufactured, the market is open to all alike. Each is anxious to sell, and here commences competition. The manufacturer with the improved can undersell the one with ordinary machinery, and of course governs the market price. The tendency of such a competition is the reduction in price. The supply of the raw material being greater than is required by those having the improved machinery, those having ordinary machinery must buy at a reduced price or quit the business. The necessary tendency is then a reduction in the price of the raw material, and of course the loss falls upon the producer of the raw material. It is self-evident that if all manufacturers used the same machinery, the price would be regulated solely by the supply of the raw material. Hence arises the importance of General Washington's recommendation, in

1790, to encourage skill and genius in producing the invention of improvements.

It is an interesting fact, that there are many manufacturing establishments where they use only the latest improvements in machinery connected with their line of business, the old being thrown into market and bought up by those less experienced, who influence the price of the raw material for a while, and then fail; and their places are supplied by others who follow in the wake of those using the perfected machinery.

The history and situation of the manufacture of wool is equally interesting, and more especially to Vermont. The tariff of 1828, as before remarked, stimulated to large investments of capital in the manufacture of wool, and the services of the most skilful mechanics, for the purpose of improving in manufactures, and especially in improving their machinery connected with that branch of business, so as to reduce the labor and expense, and at the same time increase the quantity and improve the quality of their productions. The result was as might naturally be expected. The mighty intellects of our ingenious mechanics, in all parts of our country, were at once called into action in this important branch, and the result of their labors imparted even a greater stimulus to the manufacturing business, by producing large profits, and as the amount of raw material was not sufficient to meet the increased demand, wool commanded a very high price. Although the price of wool has fluctuated according as the supply, by importation or otherwise, has been great or small, still it is a notorious fact that the price of wool has been diminishing gradually for more than ten years. It is thought by some that the average consumption of wool in the Middle, Northern, and Western States is equal to eight pounds for each of their whole population; and the census of 1840 shows that only 33,000,000 pounds were grown in the United States. If such is the fact, it is apparent that the reduction in price was not so much attributable to a redundant supply, as to some other cause, for we have never raised one-half the amount necessary for our own consumption. We must look then for some other cause.

About the year 1833 many of the Southern planters had become greatly embarrassed, and many of them ruined by the reduction that was going on in the price of cotton; and they attributed all their evils to the tariff, though, in fact, it had but very little agency in the matter, only as it stimulated to investment of capital in manufactures; and the South clamored for a repeal of the tariff. About this time wool costing eight cents or under, was permitted to be brought in free of duty, to enable the manufacturer to supply the South with a cheap article for their slaves. The small quantity of wool at that time imported did not come much in competition with our wool for two reasons: first, the demand was greater than the supply, and consequently it had no perceptible effect upon the market. Second, it was coarse, and the manufacturers had no means of stapling or sorting it, beyond the ordinary process, and was full of burs which had to be picked out by hand at a cost of seven cents per pound. The great price the manufacturers were obliged to pay for wool here gave a new direction to them for supplies; and large exportations were made of Merino bucks to South America, for the purpose of improving the quality of their wool. In the year 1835, a machine, called the worsted drawer, was invented and patented; and in 1837 a machine for cleaning burs from wool was invented and patented.

These two machines were destined to have the same effect upon wool that the cotton gin had upon cotton. It is said that these important inventions have been purchased in, by a very few of the leading manufacturers in the United States, or by an association of manufacturers; and that rights under said patents are not now on sale. It is a fact that little attention has been paid to the growing of wool in the Southern or Western States, owing to burs found upon the prairies of those regions, which, before said inventions, rendered their wool of little value. These inventions, it will be seen, enlarged the field for growing wool to every part of our country, instead of its being mainly confined to the Northern States, except for the purpose of ordinary fabrics. It is apparent that the operation of those machines upon the manufacturing and wool-growing interests of our country should be investigated and well understood by the people at large, and more especially by the people of Vermont, since they now import between 20 and 30 millions of pounds of what is called coarse wool.

By means of the burring machine, the cost of which is about \$350, native Buenos Ayres, and all other kinds of wool, are perfectly cleansed from burs. After the wool has passed through the burring machine, it is passed into the worsted drawer, a machine costing about \$450, and by this machine 2400 pounds of wool are separated or drawn per day. A set of these machines consists of three burring machines and one worsted drawer. The process and results are as follows:

Take 100 pounds of native Buenos Ayres wool and let it pass through this machinery, and it will draw out three separate qualities, according to the length, for worsted and other purposes, leaving a fourth quality, too short for worsted, and equal to our native wool in the fleece. The longest and coarsest of this wool is used for carpeting, and the coarsest kind of worsted goods. There are usually about 20 pounds of the short quality. Again, take 100 pounds of the half blood Merino Buenos Ayres wool, and draw 50 pounds for worsted, and the other half is equal to our half blood Merino wool in the fleece, and so of the other improved grades. Again, take 100 pounds of our native wool and draw out thirty pounds for worsted, and the residue is equal to half blood Merino wool in the fleece, and the same improvement is made on the quarter and half blood Merino wool—the half that is left of the latter being equal to full blood Merino wool. The second drawing of the half blood Buenos Ayres wool is equal to the first drawing of our native wool, and the third is equal to the first drawing of the half blood Merino. The South American wool can be burred, drawn, and put into yarn for not exceeding two cents per pound, and it is well known that worsted goods are much higher than woolen goods of the same weight.

It is manifest that much of the South American wool does not come in competition with our Merino wool, as to quality, in the hands of those with ordinary machinery; but in the hands of persons having the improved machines, most of that wool comes directly in competition with our wool.

So great has been the improvement in machinery for manufacturing woolen goods, that those possessed of the most improved machinery can manufacture wool into cloth for less than six and a half cents per square yard.

So great has been the improvement of machinery in the United States for manufacturing cotton and woolen goods, and by reason thereof such

has been the reduction in the price of those goods, that, to enable the English manufacturers in some measure to compete with ours having the perfected machinery, the British Parliament in 1839 repealed the export duty on cotton and woollen goods, and about two years since they repealed the import duty on cotton and wool, and during the past year they repealed their corn law. The undersigned believes that the repeal of those duties is but the result of the skill and ingenuity of the American mechanic in improving our machinery. It is well known that our cotton goods compete successfully with those manufactured in England, wherever they are admitted upon equal terms; but as we do not yet manufacture enough woollen goods for our own supply, we have only tried our skill in our own market.

It must be apparent that the same causes are operating to reduce the price of woollen goods, and also of wool, that reduced the price of cotton and cotton goods, and will continue so to operate. No good reason can be assigned for allowing a greater protection to the manufacturer than to the producer of the raw material. A high tariff might afford a temporary relief only to the manufacturer with ordinary machinery, while it would enable the manufacturer with perfected machinery to reap a golden harvest, under the present state of things.

If all manufactured by hand, or if all used perfected machinery, it is apparent there could be no advantage, and a tariff would protect all alike, and the supply would govern the market, without oppressing the producer. Hence arises the importance of having a department in our General Government charged with the special duty of collecting the results of skill and observation and spreading them over our nation, in accordance with the recommendation of General Washington, in 1796, and it would be no less important to have such a department in every State Government. It would be idle to charge the gradual reduction in the price of our wool and woollens to the tariff, as the South did their calamities, for it must be manifest to any one who will examine the subject carefully, that there is a much more potent cause. The undersigned has the information from a reliable source, that the clip of wool in Michigan, Illinois, Indiana, and Wisconsin, for 1845, was sold at an average of 22 cents per pound, and yet the tariff of 1842 was in full operation.

The undersigned believes that it would be of incalculable benefit for Congress to provide for compensating the inventors of highly valuable improvements and permitting them to go into general use, instead of granting patents therefor, and having them bought up by a few individuals, and monopolized by them for 14 years; or at least that the patent law should be so amended as to require patentees to have their improvements on sale, so that the public may derive some benefit therefrom.

The undersigned also believes that it would be highly beneficial to the people of this State to have some suitable person appointed a Commissioner to collect the results of skill and genius in agriculture, manufactures and the mechanic arts, and report the same to the Governor of this State on or before the first day of October next.

The undersigned also believes that a tariff for revenue, with a discrimination for incidental protection, is the correct doctrine in relation to protection; that the tariff of 1846 does discriminate for protection, but whether it is sufficient or not, experience will show; and that it

justly places agriculture upon an equality, in point of protection, with manufactures; that Congress have the power to pass embargo and non-intercourse laws, partial or entire, but that such power should only be exercised in cases of necessity.

The undersigned also believes that no necessity now exists which would justify the exercise of this high prerogative; that more efficient aid should be rendered to agriculture, to protect it against the effects of improved machinery, whether in this or any foreign country, by collecting and disseminating the results of skill and genius in relation to agriculture and manufactures, and especially in relation to improvements in machinery for manufacturing purposes; and that such a modification of the patent laws should be made as to prevent any monopoly of the great improvements of machinery for manufacturing purposes.

The undersigned has no doubt, that if information could be disseminated, so that the manufacturers of wool and cotton with ordinary machinery, could be induced to throw aside much of their machinery, and supply themselves with the improved machinery, and keep up with the improvements of the age, it would greatly increase the value of cotton and wool, and enable the manufacturer to make good profits, and still reduce the price of cotton and woollen goods. Such a state of things would create competition on fair terms, and a demand for the raw material, especially wool. And there cannot be a doubt that within fifteen years the entire crop of cotton raised in the United States would be manufactured here, instead of exporting the raw material; and that we should grow, and also manufacture, our own supply of woollens, and some for export.

All that would be necessary to accomplish this great object would be for Government to foster improvements, collect and disseminate information, and prevent a monopoly of the improvements in machinery. American ingenuity and enterprise will accomplish the residue.

The undersigned believes that the propositions advanced in the foregoing report are applicable to every branch of business, where the raw material is manufactured for the market; but the undersigned has not been able to go into a detailed examination of any other branch, though he is aware that great improvements have been made in almost every department of business, of great value to the public.

The undersigned therefore reports, and recommends the adoption, of the accompanying joint resolutions.

Which is respectfully submitted.

ORAMEL H. SMITH.

RESOLUTIONS.

Resolved, by the Senate and House of Representatives, That the Governor be directed to appoint a Commissioner to collect the results of skill and genius in agriculture, manufactures and the mechanic arts, and especially in relation to improvements in machinery for manufacturing purposes, and their effects upon the agricultural interests of Vermont.

Resolved, by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the passage of a law to establish a department in the administration of the Government, charged with the duty of collecting and disseminating the results of skill and genius in relation to agriculture, manufactures and the mechanic arts; also to procure such a modification of the law now in force to promote the progress of the useful arts, as to provide for compensating the inventors of such improvements as are of great public utility, and essentially affecting the important interest of agriculture, and permitting such improvements to go into general use, and also to prevent any injurious monopoly of the great improvements of machinery, affecting the interests of agriculture.

Resolved, by the Senate and House of Representatives, That the Governor of this State be directed to transmit to each of our Senators and Representatives in Congress a copy of the foregoing resolutions.

ADDENDA.

[PAPERS REFERRED TO IN THE GOVERNOR'S MESSAGE, APPENDIX E.]

SECRETARY OF STATE'S OFFICE, }
October 21, 1846. }

HIS EXCELLENCY HORACE EATON :

SIR:—I have the honor herewith to forward you a letter received from Messrs. Wiley & Putnam, of New-York, to which I refer you.

I answered the said letter and took the liberty of assuring the writers that the State of Vermont would respond to the proposition therein contained, and pledged my own exertions that the contributions of Vermont would be gratuitous, or upon the basis of a courteous and fair exchange.

We have already through the Vt. University received valuable public documents of Great Britain, and it seems no more than is consistent with our own honor and amicable relations to that government, that we should comply with their request.

I have the honor to be
Your Excellency's humble serv't,
J. McM. SHAFTER,
Secretary of State.

161 BROADWAY, NEW-YORK, }
July 25, 1846. }

To the Secretary of the State of Vermont ;

SIR:—The managers of the British Museum, (a national institution, under the direction of Parliament,) have recently decided, at the suggestion of HENRY STEVENS, Jr. Esq., of Vermont, to purchase a complete collection of American books in all branches of literature, from the earliest period to the present.

This collection is intended to comprise a series, as complete as possible, of all Public Documents, Statutes, Journals, and State Papers of every description printed by order of Congress, and of the Legislatures of each of the several States.

The undersigned, booksellers at New-York and London, are instructed to purchase all these Documents, &c., and, as Americans, we are ambitious that this liberal, intelligent, and comprehensive design should be thoroughly and faithfully carried out in a similarly liberal spirit, and at a suitably moderate expense.

We should feel obliged, therefore, if you will inform us as soon as possible—

I. What portion of the Records, Statutes, or Public Documents of your State, from its first existence, can now be supplied for this purpose, and at what cost?

II. Whether you can direct the transmission to us, either annually or oftener, of all future documents, etc., printed by your Legislature and State Government, and at what cost?

As soon as we ascertain these particulars we shall, at once, authorize you to draw upon us at ten days' sight for the amount, or we will remit it as you may direct.

We would, at the same time, venture, most respectfully, to suggest, that the liberality of the British Government in presenting the voluminous Public Records of Great Britain to many public libraries in the United States, might, perhaps, be suitably responded to on this occasion; namely, by the free presentation from the several State Governments of their respective Public Records for the Library of the British Museum. This suggestion is not made at the instance of the directors, nor have they intimated it in any manner—the order for the purchase of the Documents being unconditional. Believing, however, that the Governments of at least such States as have been benefitted by the courteous liberality of the British Government in the instance referred to, would promptly and cheerfully avail themselves of such an opportunity to return the compliment; and that it might not otherwise occur to those Governments, we have thus ventured respectfully to request that you will refer this suggestion to the Government of your State, in case it meets your views. If, however, there should be any impediments in the way of this object, we are prepared to purchase the documents, &c., as soon as we receive your communication respecting them.

We have the honor to be, sir,

Very respectfully,

Your ob't serv'ts,

WILEY & PUTNAM.

P. S. In case the Documents are presented, we request that they may be forwarded to us, addressed for that purpose, and that a letter be addressed to the Librarian of the Museum advising that they were so sent. In either case the books may be forwarded to us, and all expenses will be paid by us.

WILEY & PUTNAM.

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